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1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA, 18-CR-538 (MKB)
4 Plaintiff, United States Courthouse
5 -against- Brooklyn, New York
6 NG CHONG HWA, also known as March 1, 2022
7 "Roger Ng", 9:30 a.m.
8 Defendant.

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10 TRANSCRIPT OF CRIMINAL CAUSE FOR TRIAL
11 BEFORE THE HONORABLE MARGO K. BRODIE
12 UNITED STATES CHIEF DISTRICT JUDGE
13 BEFORE A JURY

14 APPEARANCES

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LINDA D. DANIELCZYK, RPR, CSR, CCR
Official Court Reporter

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1 (In open court; Jury not present.)

2 THE COURT: Good morning, everyone.

3 Please be seated.

4 THE COURTROOM DEPUTY: Criminal cause for trial.

5 Dock number 18-CR-538. United States of America versus Ng.

6 THE COURT: And I have the same appearances as last
7 week for both sides?

8 MR. ROLLE: Yes, Your Honor. Good morning.

9 MR. AGNIFILO: Good morning.

10 THE COURT: Good morning.

11 I have a few matters to rule on while we're waiting
12 for the jury.

13 So as to Government Exhibit 2470. Mr. Agnifilo, do
14 you have limited instruction to propose? We discussed this
15 last week.

16 MR. AGNIFILO: We did, Your Honor. I'm not going to
17 ask for an instruction on this.

18 THE COURT: Okay.

19 As for Lim's 2016 statement and 2017 statement?

20 MR. AGNIFILO: Your Honor, our firm thinks that the
21 evidence is still not -- sufficient evidence concerning the
22 coconspirator to admit into evidence as a coconspirator
23 declaration. And I don't believe that the government has
24 adopted an issue which allows it to be relevant.

25 THE COURT: Okay, and as I preliminarily ruled,

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1 Lim's 2016 statement is an adopted statement, so under
2 801(d) (2) (B) it is being admitted.

3 And the 2017 statement is being admitted as an
4 authorized statement by the defendant under 801(d) (2) (C).

5 I believe there were some other matters that I never
6 ruled on.

7 One was your request, Mr. Agnifilo, back early on
8 February for unredacted copies of the agent's report with
9 regard to statements made abroad. And I'm denying that
10 application. You're not entitled to the report, other than
11 what was provided to you.

12 As for the government's February 17, 2023 letter
13 seek -- asking the Court to preclude defense from making
14 certain arguments that was based on the opening statement. I
15 believe the parties have resolved that in the statement below.

16 You've agreed that certain arguments you would not
17 be making in your closing; is that correct?

18 MR. AGNIFILO: Yes. I mean, in fact, I believe that
19 what the government wants to say --

20 THE COURT: Pull the mic towards you. We're
21 actually not hearing you.

22 MR. AGNIFILO: I'm sorry. My understanding is that
23 the concern that I would say in my closing that Jho Low is a
24 fugitive, and I'm not going to say that.

25 THE COURT: Okay.

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1 And as to the government's request to introduce
2 evidence to rebut the character evidence, I'm denying that
3 application.

4 I believe that's it in terms of applications that
5 the Court has before it. If I missed any, please let me know.

6 MR. AGNIFILO: Just to update the Court. After our
7 conference yesterday, we all spoke, and Your Honor's going to
8 have briefing on the issue of the marital privileges.

9 THE COURT: With regard to Simmons-Leissner?

10 MR. AGNIFILO: That's correct, Judge. That's the
11 only one.

12 THE COURT: Okay. And when am I going to have to
13 briefing?

14 MR. AGNIFILO: I think we said it was going to be
15 9 a.m. tomorrow. So we are going to have principal briefs at
16 9 a.m. tomorrow, and then if there's a response required,
17 we're going to do that midnight on Thursday.

18 THE COURT: Okay. Thank you.

19 Pierre, we're still waiting on a few jurors, right?

20 MR. ROLLE: Two brief issues, Your Honor, to raise.

21 One, I believe Mr. Leissner's counsel, Henry
22 Mazurek, messaged Ms. Valentine.

23 THE COURT: He did. There's no room in the
24 courtroom for him.

25 MR. ROLLE: And so I want to make sure Your Honor

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1 was aware of that.

2 And then as to -- we received last night defense
3 exhibits, which we do have specific objections to. I don't
4 know if Your Honor has a copy.

5 I just want to be efficient and not delay
6 Mr. Leissner's cross-examination, but we're happy to on the
7 break walk through and note what other objections are, kind of
8 as a group for the set, defense counsel produced to us last
9 night.

10 And I did want to key that up for Your Honor and see
11 how you want to proceed.

12 THE COURT: I do not have a copy.

13 MR. ROLLE: We have a copy, and we can also bring
14 over a second copy, and we're happy to hand up ours, Your
15 Honor.

16 We do have a separate set, Judge.

17 THE COURT: And these are exhibits for
18 cross-examination?

19 MR. ROLLE: We assumed, from our perspective, that
20 these were -- because they were given to us not simply to
21 impeach but to be affirmatively offered during the
22 cross-examination.

23 THE COURT: And did you discuss this with
24 Mr. Agnifilo?

25 MR. ROLLE: Your Honor, we got them at 11:30.

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1 THE COURT: Okay. But you've been sitting in the
2 courtroom. Why don't you have a conversation with
3 Mr. Agnifilo.

4 MR. ROLLE: We'll note which ones we agreed to and
5 then I think we can come back at the break, Judge, and let you
6 know if there's any issues.

7 THE COURT: And, Mr. Agnifilo, is Mr. Rolle correct,
8 that these are documents you are planning on introducing into
9 evidence?

10 MR. AGNIFILO: I'm honestly not sure. I have to see
11 how the witness handles the questions.

12 THE COURT: One second. Close the door Pierre.

13 All the jurors are here? Okay.

14 MR. AGNIFILO: It's our position that this is not --
15 that these -- we've given over these exhibits as a matter of
16 convenience. We don't think that this is Rule 16 in any way,
17 defense Rule 16.

18 We know what we're going to use. We thought it
19 would be convenient and quicker to give them over. So
20 honestly I don't know how I'm going to use them until I see
21 how the witness handles the questions.

22 THE COURT: Okay.

23 MR. ROLLE: I'll speak to counsel, Judge.

24 THE COURT: We'll bring in the jurors and get
25 started.

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1 (Witness retakes the witness stand.)

2 **TIMOTHEY LEISSNER**, called as a witness, having been previously
3 first duly sworn/affirmed, was examined and testified further
4 as follows:

5 (Jury enters the courtroom.)

6 THE COURT: Please be seated, everyone.

7 Good morning, members of the jury.

8 THE JURY: Good morning.

9 THE COURT: I hope you had a wonderful weekend.
10 Sorry we had to extend it by an extra day, but we will
11 continue testimony today.

12 Mr. Leissner, you're still under oath.

13 THE WITNESS: Yes.

14 THE COURT: Please proceed Mr. Rolle.

15 MR. ROLLE: Thank you, Your Honor.

16 DIRECT EXAMINATION (Continued)

17 BY MR. ROLLE:

18 Q Mr. Leissner, when we left last week, you we were asking
19 you about media coverage about the 1MDB bond transactions.

20 Do you remember that?

21 A Yes, sir.

22 Q You were asked questions about how that press continued
23 through time after Project Catalyze.

24 Do you remember that?

25 A Yes, sir.

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1 Q Did there continue to be press about the 1MDB bond
2 transactions and about 1MDB after Catalyze?

3 A Yes. For many years afterwards there were continued to
4 be press.

5 Q Over time, did the focus of the press coverage change in
6 any way?

7 A Well, there were many elements that the press covered.

8 One was, of course, the general criticism of the
9 Goldman Sachs bonds, the expensive nature of those bonds, and
10 why so much money had been raised.

11 I think the opposition in Malaysia around that time
12 was very keenly criticizing certainly the last transaction in
13 the press. And there was a lot of coverage around the use of
14 proceeds, you know, what, you know, what \$3 billion were for.
15 But, you know, three months or two months before the election,
16 et cetera.

17 And then over time post, you know, even the
18 election, that continued. The coverage never stopped. It was
19 general criticism of 1MDB. Were the money had been used,
20 when, et cetera.

21 MR. ROLLE: And if we could pull up for
22 identification again, Mr. Youkilis, Government Exhibit 2470.

23 Q And if you could look on your screen, Mr. Leissner.

24 You identified this email last week?

25 A That's right, yes.

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1 Q Who is it from?

2 A It's from Roger to myself.

3 Q What's the date?

4 A It's May 14th, 2014.

5 Q Is there an attachment to this?

6 A Yes. It says Edge article.

7 Q What's "The Edge"?

8 A The Edge was a very prominent newspaper and publication
9 in Malaysia that was actually one of their few in the country
10 that was critical of the government.

11 MR. ROLLE: Your Honor, at this time we would offer
12 2470 in its entirety, Judge.

13 MR. AGNIFILO: We have no objection, Judge.

14 THE COURT: It's admitted.

15 (Government Exhibit 2470, was received in evidence.)

16 (Exhibit published.)

17 Q So this is an email over the defendant's personal account
18 to you?

19 A That's correct.

20 Q If we can turn to the attachment, please. And it's two
21 pages. If we can pull them up side by side.

22 Is this the front page of The Edge Financial Daily?

23 A Yes, sir.

24 Q What's The Edge Financial Daily in particular?

25 A It's the financial part of The Edge. The Edge is a, you

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1 know, as I said, a general publication. And here we're
2 talking about the financial paper attached to that paper.

3 MR. ROLLE: And if we can zoom in on the top-left
4 corner of the page on the left, Mr. Youkilis.

5 Q This article, what is it regarding?

6 A It's regarding Roger's departure from Goldman Sachs in
7 2014.

8 Q And did you discuss this article with the defendant after
9 he sent it to you?

10 A Yes. We both read it. There's, I think, a continuation
11 on the second of second page.

12 And, you know, obviously we didn't like any kind of
13 coverage. I certainly didn't. And Roger agreed with that,
14 too, at the time around us linked to 1MDB, and any of that did
15 not sit comfortable.

16 Q Is this published around the time of the defendant's
17 departure from Goldman Sachs?

18 A That's right.

19 MR. ROLLE: If we can go to the last paragraph on
20 that page, Mr. Youkilis, starting with the US \$3 billion bond.

21 Q The \$3 billion bond, what did you understand that to be a
22 reference to?

23 A That was Project Catalyze, sir.

24 Q And there are some references to questions being raised.

25 Is this an example of the questions you referenced

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1 earlier?

2 A Yes, correct. The same question that I mentioned.

3 MR. ROLLE: And we can take that down and look at
4 the second page, Mr. Youkilis.

5 Q You said it was continued on the second page?

6 A Correct, yes.

7 MR. ROLLE: If you could zoom in on the column on
8 the bottom right-hand side.

9 Q That's a picture of you?

10 A That's me, yes.

11 Q And there's references to Jho Low, you, and the
12 defendant's ties to Jho Low in this article?

13 A Yes. There's a reference to that, and it's a reference
14 obviously in connection with the 1MDB as well.

15 Q Now why was it concerning to you to be linked in that way
16 in the press to Jho Low and to 1MDB?

17 A Following the scheme, we were, of course, Roger and I, we
18 were very concerned about any linkage that could establish a
19 link between, effectively, the team that had been on the
20 inside of the -- of the scheme that involved Jho. It involved
21 myself and Roger, and others around the table, including
22 Jasmine, and the link to 1MDB.

23 We did not want that to be a public issue. We did
24 not want to have that raised in the public. Because more
25 questions asked means more investigations started and things

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1 like that.

2 None of that sat comfortable with me.

3 MR. ROLLE: If you can take down just that part, and
4 I want to ask Mr. Leissner.

5 Q In this article, in this front page, is there another
6 article about 1MDB that the defendant sent you as part of this
7 front page?

8 A Yes. There's the second piece to it, which is actually
9 the second page, the mystery of the 1MDB's \$2.3 billion Cayman
10 Island Fund that you see there on the right-hand side.

11 That's a reference to what I had said before, where
12 had the money gone that was raised on Project Catalyze?

13 Q And, again, these are the types of negative press that
14 you were concerned about?

15 A Yes. Especially one that questions the use of proceeds.

16 When we had to -- when we issued Project Catalyze,
17 when we issued those bonds on Project Catalyze, we had to, of
18 course, set out what they were for in general terms.

19 But the use of proceeds, which is where the money is
20 used for, what the money's used for, it was really for this
21 joint venture to invest and help in projects to benefit the
22 country at that time.

23 Eventually Cayman Island Fund was not part of that
24 and it was just concerning to us because we knew this is not
25 what was stated officially.

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1 MR. ROLLE: You can take that down, Mr. Youkilis.

2 Q As these articles came out, you continued to withhold the
3 truth about what you knew was happening at 1MDB and with these
4 deals?

5 A Yes. Yes.

6 Q Did these stories cause anything to happen internally at
7 Goldman Sachs?

8 A Yes, these stories, in addition to the missed interest
9 payment or nearly missed interest payment, the delay, let's
10 put it this way, the delay in interest payment on Project
11 Magnolia, caused the firm and its control functions to say
12 that they required further work on 1MDB, and for 1MDB to
13 answer a bunch of questions that we, as a firm, that Goldman
14 Sachs wanted to raise.

15 Q And if you could turn in your binder to Tab 134.

16 And if we can pull up Government Exhibit 1985 for
17 identification.

18 Do you see that?

19 A Yes, sir.

20 Q Do you recognize that?

21 A Yes.

22 Q Is it an email you received?

23 A Correct, sir.

24 MR. ROLLE: Your Honor, we would offer Government
25 Exhibit 1985.

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1 MR. AGNIFILO: No objection, Your Honor.

2 THE COURT: It's admitted.

3 (Government Exhibit 1985, was received in evidence.)

4 (Exhibit published.)

5 Q What's being discussed in this email, Mr. Leissner?

6 A It's basically an email that Dan Swift wrote with respect
7 to a meeting that he was proposing to have to our control
8 questions with 1MDB to answer a number of questions that were
9 being raised internally at Goldman Sachs with the team, the
10 1MDB management team.

11 Q And Dan Swift was a banker at Goldman Sachs?

12 A Dan Swift was a banker. He had been involved in all of
13 the transactions, and Project Magnolia was sort of towards the
14 end.

15 But he was also the head of corporate finance. With
16 that came the kind of the role that he played also on behalf
17 of the control functions.

18 He was really mandated to execute transactions in
19 accordance with our policies. And that was one of his
20 strengths. He was a very detailed-oriented banker.

21 Q And there's a number of items listed in Mr. Swift's
22 emails -- email here.

23 A That's correct.

24 Q Are these items that were going to be reviewed with, it
25 says "1MDB senior management"?

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1 A That's correct.

2 Q One of those, there's a section named "Joe Lho"?

3 A Yes, sir.

4 Q Spelled differently, but is that Jho Low that we've been
5 talking about?

6 A Yes, that's the same person.

7 Q And the first bullet references: "We'll provide a copy
8 of the Sarawak report article to management"?

9 A Yes.

10 Q What's the sale Sarawak report article a reference to?

11 A The sale Sarawak report was another online, mostly online
12 publication.

13 Actually, I think it originated outside of Malaysia,
14 but it was highly critical of the Malaysian government in
15 general and certain state governments as well, including the
16 state of Sarawak. So it was a critical publication.

17 Q And we had seen the Sarawak report cover both the fees
18 Goldman had earned?

19 A That's correct.

20 Q And one of these bullets, the fourth, there's a question:
21 To your knowledge, has Jho Low been included in emails
22 exchange, or otherwise been privy to the communications of
23 1MDB management, board, or its intermediaries, even if he was
24 not an active participant?

25 A That's correct.

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1 Q You knew the answer to that question?

2 A Yes, sir.

3 Q Which was what?

4 A That he had been.

5 Q And did you ever tell anyone that?

6 A No.

7 Q Had the defendant ever told anyone that during your work
8 on the deals?

9 A No, the defendant had not either.

10 Q Were these the kinds of questions that were being asked
11 of you and answers expected of you on the 1MDB bond
12 transactions when you were executing them?

13 A Those questions were raised all the time, both by -- by
14 our control functions, but also our senior management.

15 MR. ROLLE: You can take that down.

16 Q Did you continue to have discussions with the defendant
17 about the negative media and focus on the bond transactions?

18 A Yes, we continued to talk about this all the time. We
19 both were very concerned about that. Also because it just
20 didn't stop.

21 And we had hoped that at the outset -- at the close
22 of Project Catalyze, that once we stopped doing further
23 transactions, the coverage would stop as well. It never did.

24 Q Now after the defendant left Goldman Sachs, did you stay
25 in touch with him?

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1 A Yes, we communicated all the time.

2 Q How was relationship after he left Goldman Sachs?

3 A Still as close as it was when he was at Goldman.

4 Q You continued, as you testified last week, committing
5 crimes with Jho Low.

6 A Yes.

7 Q That continued after the defendant left Goldman Sachs?

8 A That's right.

9 Q Did you talk to the defendant about what you were doing
10 with Jho Low?

11 A We did have many discussions around what we were doing --
12 doing with Jho, what I was doing with Jho Low, continued to do
13 with Jho Low.

14 I didn't always discuss with him all the details,
15 no. But in general, he stayed in touch with Jho, and we
16 discussed that, and I stayed in touch with Jho, and we
17 discussed that, too.

18 Q For example, was he aware that you were helping Jho Low
19 buy a bank?

20 A I don't recall if I -- I involved him in that discussion.

21 Q But the criminal aspects of what you were doing with Jho,
22 did you share all of those with the defendant?

23 A Not all of those, correct.

24 Q Now, as part of what you continued to do with Jho Low,
25 you referenced trying to onboard him again at Goldman Sachs?

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1 A Yes, sir.

2 Q And including the bank of -- Bank Avalon letter you wrote
3 for him?

4 A Yes, correct.

5 Q Now during the time before you left Goldman Sachs and
6 after, were you asked questions by financial regulators about
7 that letter?

8 A Yes, sir.

9 Q And prior to your guilty plea, did you ever tell
10 financial regulators the truth about what you had done and
11 were doing for Jho Low?

12 A No. I always kept that. I never told the regulators the
13 truth about what I had done.

14 Q Since your guilty plea, have you told those regulators
15 the truth?

16 A Yes, so -- well, not the same regulators, FINRA, for
17 example, which was one of the regulators that had asked about
18 the letters and what the reason was for the letter.

19 I had not another conversation. My lawyers may
20 have, but I did not.

21 I did have a discussion with the SEC and we had a
22 settlement there. The Federal Reserve Bank as well.

23 So, yes, several regulators I had -- I worked with.

24 Q Have you faced consequences as a result of your guilty
25 plea from those financial regulators?

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1 A Yes.

2 Q What consequences?

3 A I've been banned for life from the financial services
4 industry. Both on the banking side as well as the securities
5 side.

6 Q After you left Goldman Sachs, did the scrutiny continue
7 about the bond transactions?

8 A Yes.

9 Q Did it increase?

10 A It increased over time. It was -- the questions were not
11 only about the bond transaction. They did, you know, of
12 course, always come up because they funded 1MDB, and where the
13 major funding source for the company.

14 But it also said a lot around: Where the money had
15 gone, and how it had been used?

16 Q During that time after you left Goldman Sachs, did you
17 become aware that you were under investigation for your role
18 in the criminal scheme around the bond transactions?

19 A Yes, sir.

20 Q Did you communicate with the defendant about your
21 concerns about investigations into your conduct?

22 A Yes, sir. I had been subpoenaed in February of 2016 by a
23 grand jury, and I shared that with Roger. And others.

24 And also we shared, we talked about this a lot, the
25 ramifications of that subpoena.

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1 Q When were you subpoenaed, sir?

2 A In February of 2016.

3 Q Who subpoenaed you?

4 A The FBI served me at the airport in JFK.

5 Q And at that time you were subpoenaed, did the FBI
6 interview you?

7 A Very briefly, yes.

8 Q Were you asked questions about the bond transactions?

9 A Yes, for a few minutes they did ask me.

10 Q Did you disclose to them the truth about what you had
11 been involved in with the defendant on Jho Low?

12 A No, sir.

13 Q Why not?

14 A Because at that time I just been served and I did not
15 know what to do with that, so I continued to use the same
16 story that we had over the years before that.

17 Q And where were you when you were subpoenaed?

18 A At the airport in JFK.

19 Q Where were you going?

20 A I was going to Hong Kong.

21 Q What were you going to do in Hong Kong?

22 A I was -- I was going onwards to China for a meeting
23 actually with Roger as well around Celsius, the company I was
24 involved with at the time. And I was flying to Hong Kong to
25 connect into China from there.

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1 Q And Celsius was the drink company you helped the
2 defendant get a position at?

3 A That's right, correct.

4 Q After you got subpoenaed in the airport, were you free to
5 leave?

6 A Yes, I was.

7 Q And what did you do after you had left the agent with the
8 subpoena?

9 A I got on the plane, because I was running late at that
10 time. I called Jho first to inform him that I had been
11 subpoenaed. And, frankly, I was in a panic at that time and
12 asked him what I should do.

13 His first response was to get a lawyer on board to
14 help me navigate the subpoena.

15 Q Why did you call Jho Low immediately?

16 A Because he was very the first person, and the leader of
17 the scheme, if you were, and asked him for advice.

18 I had known already before that that he had hired or
19 engaged legal advice to help him with all the rumors around
20 the investigations at the time.

21 So I just thought I would seek his advice first.

22 Q And what did he advise you to do?

23 A He advised me to hire a law firm. He gave me the name of
24 a lawyer at a law firm and said I should contact them.

25 Q Had you heard the name of that lawyer before?

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1 A No, I hadn't, but he explained to me that he was using
2 this lawyer by the name of Michael Kim of Kobre & Kim and that
3 I should call because he was using him and he thought Michael
4 was very good at his job and therefore I should engage him.

5 Q So he directed you to the same lawyer that was
6 represented him at that time?

7 A That's correct.

8 Q Did you engage Michael Kim?

9 A I did engage his firm for a short while, yes.

10 Q Did you pay your own legal fees?

11 A Yes, sir.

12 Q Did you continue on that trip? You said you were getting
13 on the plane to Hong Kong?

14 A Yes, I did.

15 Q Did you ever inform the defendant about your subpoena?

16 A Yes.

17 Q When?

18 A The first recollection I have of the discussion with
19 Roger was when I hit the ground in Beijing and we met ahead of
20 the Celsius meeting.

21 Q What did you discuss?

22 A A great concern and worry that I had been subpoenaed.

23 I couldn't tell at that time why I had been
24 subpoenaed, of course, I knew what I had done, and what Roger
25 had done as part of the scheme. So you knew that I would be

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1 in trouble, but I didn't know whether I was a witness, a
2 subject, or a target of this subpoena at the time, so I was
3 still very much in limbo as to, you know, what this was.

4 Q Those terms, witness and subject and target, did you know
5 what those were when you got the subpoena?

6 A No, I learned those in discussions subsequently when I
7 actually did engage with my lawyers.

8 Q So in your conversations with the defendant, not with
9 your lawyers, what did you talk about --

10 A That --

11 Q -- the defendant about that subpoena?

12 A I just didn't know what it meant.

13 You know, there was great uncertainty at the time,
14 other than, you know, this was an investigation, as I
15 mentioned a minute ago. He and I, we discussed that we, of
16 course, knew that the scheme had -- had been -- had been done.
17 That we both had been paid. And therefore we now really
18 concerned that this investigation would uncover the truth of
19 the scheme.

20 Q Did the defendant recommended that you do anything once
21 you told him about the subpoena?

22 A He did encourage me to speak to Jho and get legal advice,
23 which, of course, I was in the process of doing by that time.
24 Meaning I had already reached out to Michael Kim. As soon as
25 I got into Hong Kong.

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1 He also wanted me to get at feng shui reading, which
2 is a Chinese way of helping understand what the future may
3 bring, you know, and whether or not I would actually be in
4 trouble. Like a prediction.

5 Q You said a "feng shui reading"?

6 A That's right.

7 Q Was a feng shui reading something that you had ever done
8 before or sought out before?

9 A I had -- I mean I'd been in Asia for let's say 18 years
10 by that time or so, and I had sought out a feng shui reading
11 when I had -- when I first got my office in Singapore to --
12 there's a way of them recommending how to arrange an office
13 for God luck and good prosperity effectively.

14 So I did get advice from a feng shui master before.

15 Q About how to set up your office?

16 A That's correct.

17 Q How about a fortune about what the future may hold for
18 you personally? Had you ever gotten one of those before?

19 A No, sir. This was the first time when he suggested it.

20 Q Did the defendant mention to you that he had gotten his
21 fortune told by a feng shui master?

22 A Yes, he had informed me that he had already -- because of
23 the trouble that had been circulated in the -- in the press
24 and, you know, the discussions, the public discussions around,
25 you know, what had happened to the 1MDB money and our

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1 concerns, he had already consulted the same feng shui master
2 that he was recommending to me. And basically said that I
3 should take his -- his feng shui master because he believed in
4 him.

5 Q The defendant had his own personal feng shui master he
6 would consult?

7 A Certainly the family had, yes.

8 Q What do you mean by "the family"?

9 A Roger's family. So between him and his wife, that my was
10 understanding.

11 Q His wife, Hwee Bin?

12 A That's correct.

13 Q Had you met with the defendant's family's feng shui
14 master before?

15 A No, I had not, sir.

16 Q And what was the purpose of seeing a feng shui master
17 after you got subpoenaed?

18 A Was to see -- to ask his advice as to whether or not I
19 would be in trouble, or we would be in trouble as part of the
20 scheme and whether this was going to be uncovered or not, and
21 what the ramifications may be for our future.

22 Q Did you think it was a good idea what the defendant was
23 suggesting?

24 A Yes, I thought so. Even though I had not really sought
25 this out, it was not really part of my culture as much,

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1 although I had been in Asia for 18 years and I had done it
2 before, I do believe that once you start down that track, you
3 continue.

4 As I said, I had done it once, at least for my
5 office, and, therefore, once you had that believe that it
6 brings good luck or it tells you, you know, what the future
7 may bring, and help with you the future, yes, so I was
8 inclined to say that was a good idea.

9 Q So what were the steps for engaging with the defendant's
10 feng shui master?

11 A Roger and Hwee Bin offered first that they would have a
12 conversation with their feng shui master. They asked me for
13 my date of birth, and the time of my birth, which are two
14 requirements for this feng shui master to be able to read the
15 future.

16 I gave those to him. And it was my understanding he
17 passed it on to the feng shui master and the feng shui master
18 gave a reading, created it to Roger Hwee Bin, that they then
19 told me about.

20 Q So you understood, you passed this information to the
21 defendant and Hwee Bin?

22 A Yes.

23 Q And they would pass it on to the feng shui master?

24 A Yes.

25 Q Did you have to pass your personal information on to the

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1 feng shui master yourself?

2 A I did not. I did have a meeting with him subsequently,
3 but in the first instance, no, that information went to Roger
4 and Hwee Bin, and they passed it on to him.

5 MR. ROLLE: If we can pull up Government
6 Exhibit 2461 for identification.

7 Q And it's Tab 135, Mr. Leissner.

8 A Yes.

9 Q You see this document?

10 A Yes, sir.

11 Q Do you recognize it?

12 A Yes.

13 Q Do you recognize -- is there an attachment?

14 A Yes, correct, sir.

15 Q Do you recognize the attachment?

16 A I recognize the attachment. I can't read Chinese, but it
17 was the feng shui master's reading. And you can see at the
18 very top --

19 MR. ROLLE: One moment, sir, before we read the
20 document.

21 Your Honor, we would offer Government Exhibit 2461.

22 MR. AGNIFILO: No objection.

23 THE COURT: It's admitted.

24 (Government Exhibit 2461, was received in evidence.)

25 (Exhibit published.)

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1 Q So, sir, the top email is from the defendant to you?

2 A Yes, sir.

3 Q And this email address is what email address for the
4 defendant?

5 A It's another personal email address with a -- now a
6 different server, I believe at victoriacourt.com.

7 Q Do you know what Victoria Court was?

8 A Yeah, that was one of the companies he was using for some
9 of our private transactions, and also bank accounts was my
10 understanding at the time.

11 Q And the subject line of the email, this is a forward of
12 another email?

13 A That's right. Called master's reading.

14 Q The bottom email, who's the bottom email between?

15 A Again, it's a different email address, but it's signed by
16 Hwee Bin, Roger's wife.

17 Q And what does Hwee Bin's email -- who is Hwee Bin's email
18 sent to?

19 A It's sent to Judy's private email.

20 Q And what does that email say?

21 A It says: Dear Judy, I hope you can read from this email.
22 In the event it's not clear, I have the original copy with me
23 and I'm currently in Hong Kong. I can either hand it or post
24 it to you.

25 MR. ROLLE: And if we go into the attachment and

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1 just pull those pages up side by side.

2 (Exhibit published.)

3 And if we could pull up pages 2 and 3 side by side.

4 Q And, sir, what are these pieces of paper scanned?

5 A Those -- that's -- that is the feng shui reading for my
6 future.

7 Q And if we zoom in on the top left of page 2 of 2461, you
8 were beginning to describe something you saw in the document.

9 First, can you read the characters on this page, on
10 either of the pages?

11 A No, sir.

12 Q You did recognize something at the top, what is that?

13 A That's my name, my first name and my birthday, and I
14 believe it also references my birth time.

15 Q This was the information you gave to the defendant?

16 A That's correct.

17 Q To generate this reading was your understanding?

18 A That's right.

19 Q Since you can't read --

20 We can take down the enlargement.

21 -- since you can't read Chinese, you said --

22 A Yes.

23 Q -- did you ever get an understanding of what this said?

24 A Roger and Hwee Bin on separate different occasions, and
25 Judy as well, gave me a synopsis of what this says.

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1 And there were two distinct parts that I remember
2 from their description.

3 One was a prediction that women in my life would
4 always be a problem, but that there was one in particular who
5 would help me in the future.

6 And secondarily that I would have an issue with the
7 authorities in the first half of the ten-year prediction.
8 This is, I think, as I recall it, a ten-year prediction or a
9 cycle of ten years.

10 But in the first half of those ten years, I would
11 have an issue or issues with the authorities, but that in the
12 second half that would be resolved.

13 Q Have you ever had this document translated?

14 A No.

15 Q Have you ever --

16 A Other than -- sorry, excuse me, sir.

17 Other than, again, getting the synopsis from Hwee
18 Bin and Roger and Judy.

19 Q Okay, so apart from what the defendant, Hwee Bin and Judy
20 may have told you this document said, have you ever,
21 independently, gotten a translation of this document?

22 A No, sir.

23 Q Have you ever seen a translation of this document?

24 A I don't believe so.

25 Q Sitting here today, do you have any idea, besides what

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1 the defendant and Hwee Bin may have told, you what this
2 document says?

3 A No, sir.

4 Q Now did you discuss this reading with the defendant?

5 A Yes, sir.

6 Q What did you discuss with him?

7 A We had an extensive discussion to -- in which Roger and
8 Hwee Bin gave me comfort that although there may be
9 investigations and other issues coming up with authorities,
10 that I would be okay over time. That I didn't really have to
11 worry too much. There may be a difficult time, a period, but
12 that I would get over it.

13 MR. ROLLE: And we can take this down.

14 Q After receiving this understanding of what this fortune
15 was from the defendant and Hwee Bin, were you still concerned
16 about your subpoena?

17 A Yes, sir.

18 Q Was the defendant?

19 A Yes, we continued to be very concerned, because we did
20 not know, and even after the engagement of counsel, we didn't
21 really know where that was leading. And so the uncertainty
22 created a lot of concerns in both -- in both Roger and myself.

23 Q Did the fortune come up again?

24 A Yes, sir.

25 Q And how did that?

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1 A Following this initial reading that we looked at here,
2 Roger and Hwee Bin set up a meeting with the actual feng shui
3 master to bring him to Hong Kong on one of my subsequent trips
4 there to have a meeting and present his findings and any more
5 findings to getting to me in person.

6 Q You said that Hwee Bin and Roger would bring him to Hong
7 Kong. Meaning the feng shui master?

8 A That's right, correct.

9 Q Do you know where he was located then?

10 A I believe I recall he was located in Johor in Singapore.

11 The Johor is the state in Malaysia that borders
12 Singapore, and I believe he was no those two places.

13 Q Do you remember what the feng shui's master name was,
14 sitting here today?

15 A No, not independently, no, I don't remember it.

16 Q You said this meeting was being set up.

17 Was there a meeting that, in fact, happened?

18 A Yeah, we had a meeting some time subsequent to this in
19 2016 where I met with the feng shui master, with Roger and
20 Hwee Bin in attendance, and Judy joined in as well.

21 It was at the Shangri-La Hotel in Hong Kong on the
22 executive floor in their little conference room in the back.

23 Q It was at the Shangri-La Hotel in Hong Kong?

24 A That's correct, in the bank conference room.

25 Q You recall it was on an executive floor?

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1 A Yeah, there's one top floor, it has was two restaurants,
2 and has an executive kind of dining area, meeting area and
3 they have a conference room.

4 Q And you said Hwee Bin, the defendant, Judy Chan and
5 yourself were in attendance?

6 A That's right, correct.

7 Q Along with the feng shui master?

8 A Yes.

9 Q What was the purpose of the meeting?

10 A It was the same thing. Our concern had continued, hadn't
11 really changed, the press was continuing to -- be around 1MDB,
12 related to 1MDB, so we hadn't really gotten a break, if you
13 were, in terms of our concerns.

14 So the meeting was really intended to give further
15 comfort, or not for that matter, about our -- our future.

16 Q And the meeting occurred, you said?

17 A Yes, it did happen.

18 Q Was that the first time Judy Chan ever met Hwee Bin?

19 A It was the first time that Judy met Hwee Bin. She had
20 met Roger, I believe before on two occasions, but it was her
21 first time of meeting Hwee Bin.

22 Q So why is everyone there if it was going to be the
23 reading of your fortune?

24 A Well, Roger and Hwee Bin were there because they had
25 organized it and they felt this would give me comfort, and

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1 they wanted to show their support to get me comfortable that
2 the future actually was going to be okay. They had a
3 continuous dialogue, was my understanding, with that feng shui
4 master. Even between this reading and the meeting they
5 continued to speak to him. And they wanted me to get the
6 benefit of what he had to say.

7 Judy was really there just to help with the
8 translation in addition to them. Because she was -- she's --
9 obviously she speaks fluent Chinese, and Roger and Hwee Bin
10 felt it would be beneficial for her to also hear it and be
11 able to help me with the language.

12 Q So what happened at the meeting?

13 A He basically highlighted the same points. I think he
14 went into more detail. Because I asked him whether or not he
15 could identify the person who, you know, might be helpful to
16 me in the future, the lady that he had referenced at the very
17 outset. If he would be able to identify that person.

18 We went into more details around what it meant that
19 the authorities were having investigations or that I was --
20 sorry. Backing up.

21 That the authorities -- that I was to have issues
22 with the authorities in the first half of that ten-year
23 period. He didn't, as far as I recall, give any further
24 detail around that.

25 Of course, I knew that I was in some kind of

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1 investigation. By that time, I also had actually learned the
2 difference between witness, subject, and target, and I was
3 told by my lawyers --

4 Q We're not allowed to ask what you were told by your
5 lawyers.

6 A So I knew the difference. I had learned a bit more. And
7 so I was trying to understand if he could give me more details
8 around the issues that I was facing and what maybe come out of
9 those issues. And what he meant with the second half being
10 okay for me.

11 So we had more detailed discussions. Sitting here
12 today, I don't really recall what would help me in the future
13 but, you know, we had about an hour meeting around that,
14 around this.

15

16 (Continued on the following page.)

17

18

19

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21

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25

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1 DIRECT EXAMINATION (Continued)

2 BY MR. ROLLE:

3 Q Now, again, you don't speak Chinese?

4 A That's right.

5 Q So what part of the conversation was in English?

6 A The translation that they were providing me.

7 Q When you say "they," who do you mean?

8 A Hwee Bin, Roger, on the one hand, and Judy confirming
9 that -- yeah, that translation was correct.

10 Q As you sat there, you had to wait until someone told you
11 what was being said?

12 A That's correct.

13 Q Now, what happened -- you said the meeting lasted about
14 an hour?

15 A Yes.

16 Q What happened at the end of the meeting?

17 A At the end of the meeting, feng shui master stayed behind
18 for a bit longer, Judy had to go to another meeting. She
19 left. And Roger, Hwee Bin and I had a further discussion
20 around what we would tell banks if an investigation -- if it
21 came to questions around the transfers made to specifically
22 Roger and Hwee Bin. So we had a further discussion.

23 I can't recall if at that time the feng shui master,
24 who, my understanding was, didn't speak English, stayed or
25 left, but three of us had that conversation.

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1 Q And why was Hwee Bin there having this conversation with
2 you?

3 A Because she was, my understanding at least, was that she
4 was actually an accountholder or her family was the
5 accountholder that the money had been wired to, so she had --
6 she shared the concern of Roger and myself that there was --
7 that our scheme was to be uncovered.

8 Q So what did you discuss with the defendant and his wife
9 after the feng shui meeting?

10 A The cover -- so I would call it the cover story that we
11 had come up with at the time was that the money that had been
12 sent to Roger in these various tranches, or Roger and Hwee
13 Bin, was, in fact, a return of capital of sorts of an amount
14 that had been invested with Judy's family or Judy in their
15 business in China, unclear which business, but that was the
16 cover story that we were to stick to.

17 Q And what did you talk about doing, if anything, during
18 that meeting with the defendant and Hwee Bin?

19 A We discussed that we may need to create documents similar
20 to documents that Jho had made up to send the money in the
21 first place, but to make up documents that would -- would
22 justify that return of capital, meaning some kind of
23 documentation, whether it's loan or investment format, that
24 would provide the banks with comfort or the authorities with
25 comfort that this was a legitimate transaction.

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1 Q You would create fake documents?

2 A That's correct.

3 Q Like we had seen before?

4 A Yes.

5 Q Did you do that?

6 A No, I can't recall if we ever got to that stage, no, sir.

7 Q Of actually creating a fake document?

8 A That's right.

9 Q How did the meeting conclude, the second meeting with
10 you, the defendant and Hwee Bin?

11 A Hwee Bin and Roger wanted me to brief Judy, that this was
12 the plan because obviously she had to be a participant in that
13 if it was made to be believable that actually money was sent
14 to her family or her, so that they wanted me to go back and
15 brief Judy and make sure she was okay with that, which
16 reiterate over time. I never briefed Judy in that respect.

17 Q You never briefed Judy about your discussion of this
18 cover story?

19 A That's right.

20 Q Was any aspect of the cover story true?

21 A No, none of it.

22 Q Now, up to the point of your feng shui meeting with the
23 feng shui master in Hong Kong, how had you been communicating
24 with the defendant?

25 A We -- after we left Goldman Sachs, we communicated

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1 always. We spoke very, very regularly on the phone. We
2 called each other all the time and we used mostly Blackberry
3 messenger. Again, at that time that was, we felt, the most
4 secure way of communicating with each other.

5 Q And you would speak directly to him?

6 A All the time as well. We would meet as well. We would
7 continue to have regular meetings whenever I came through
8 Asia, which was frequently, because he was now working at
9 Celsius, and we had a common interest in that I was the
10 co-chairman at the time of Celsius and he was the MD for Asia,
11 so we had meetings with colleagues that were working on this
12 as well.

13 Q Throughout that time, did he ever ask you about the money
14 he gave you, the million and the quarter you talked about?

15 A No, sir.

16 The only time we did have an agreement when I sold
17 him half of the Sentient shares for, I think, about a million
18 dollars. That was the only discussion we ever had around a
19 return or, you know, a sale effectively of an asset.

20 Q So you continued to discuss business deals, personal
21 business deals between you and the during the time?

22 A Yes, sir.

23 Q And even after he had given you the money?

24 A Oh, yeah. Of course, yes.

25 Q And did there come a time when the way in which you were

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1 communicating with the defendant directly, that that -- that
2 that changed?

3 A Yes, sir.

4 I believe in 2017, Roger was detained in Singapore,
5 meaning that he wasn't allowed to leave the country. I
6 believe his passport was taken, was the explanation I got, and
7 he could not leave the country. He had to face an
8 investigation there, and so I could not speak to him directly
9 from that point onward.

10 Q How did you learn that the defendant had been detained in
11 Singapore?

12 A I received a call from Hwee Bin, his wife, who was, of
13 course, very upset he had been detained in Singapore, and I
14 received a call from Jho as well, who was very concerned that
15 Roger had been -- had been investigated in Singapore and had
16 to face questions there.

17 Q What did you learn from Hwee Bin when she called you?

18 A I learned from her that Roger's passport had been taken
19 away, that he could not leave the country, that he was staying
20 I believe at the Conrad Hotel in Singapore, that he was okay,
21 but that he could no longer talk to me directly, and that he
22 was being interviewed by -- by the authorities in Singapore
23 and that he, however -- this happened over several calls, not
24 just one -- that he was sticking to a very tight narrative at
25 the time that was really focused on the bond transactions and

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1 the financial aspects of that, the banking aspects of the bond
2 transactions, and that he was not releasing any information
3 around the scheme, so that he would stick to that story. And
4 he was also, she told me, minimizing my role in this as much
5 as possible.

6 Q And were you interested in the information Hwee Bin was
7 giving you?

8 A Of course. Here, now is my friend and colleague, who was
9 part of the scheme being interviewed and questioned by the
10 authorities about exactly that scheme. I was very concerned
11 about what he was going to say. So, yes, I was very
12 interested about -- about what he was saying.

13 Q And what was -- what did you tell Hwee Bin, if anything,
14 as she's telling you about what's happening to the defendant
15 in Singapore?

16 A I was trying to give her encouragement and comfort, that
17 she could call me at any time, that I was there for her, that,
18 of course, I was concerned.

19 I was in the U.S. at the time. I had been
20 subpoenaed. So I was also telling her that she could -- that
21 she should keep me in the loop as to what any discussion would
22 yield as well.

23 She also informed me, you know, of efforts to get
24 him out -- out of Singapore at the time and --

25 Q What did she tell you about efforts to get the defendant

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1 out of Singapore once he was detained?

2 A She told me that she had spoken to Jho and she had spoken
3 to Terence Geh, who had spoken to Jho. If you recall, Terence
4 Geh was the deputy CFO at 1MDB and a close friend of Roger's
5 and close confidant of Jho.

6 She had spoken to both of those to seek help from
7 the Malaysian Government to get Roger released in Singapore so
8 there would be Government effort to get him back to Malaysia.

9 Jho, who I spoke to also, because we shared, again,
10 the same concerns, as being part of the scheme, Jho was very
11 concerned about what Roger was saying to the police and the
12 authorities in Singapore. Jho confirmed that he had spoken to
13 Hwee Bin and that Terence had spoken to him and he was
14 actually saying he was talking activity to the Prime Minister
15 in Najib and the Attorney General to seek Roger's release.

16 Q Now, you described Hwee Bin recounted to you speaking to
17 Jho Low and to Terence Geh?

18 A That's right.

19 Q You testified previously that the defendant and Terence
20 Geh had a relationship, personal relationship or friendship?

21 A Yes, sir. It was my understanding that they were
22 personal friends. They would go bicycling together on the
23 weekends. And yeah, that they would be speaking all the time.

24 If you recall, also Roger had made up a difference
25 of the expectation of Terence's payment out of the scheme.

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1 Q And you learned about that makeup payment from the
2 defendant?

3 A Yes, Roger had told me.

4 Q Did you have a relationship with Terence Geh like that of
5 the defendant's?

6 A No. Definitely not, sir.

7 I knew Terence, but we never socially mixed or had,
8 you know -- had a friendly relationship that way. No, sir.

9 Q Did you, through Capital Place, ever loan Terence Geh
10 money?

11 A No.

12 Q Now, you have mentioned that you spoke to Jho Low as well
13 about the defendant's detention in Singapore?

14 A Yes, sir.

15 Q And, again, why were you staying in communication with
16 Jho Low about that subject?

17 A Because, again, we shared a concern that Roger had been
18 put in this situation and that he was being questioned about
19 this very scheme that we were trying to hide and that we knew
20 was illegal, so we shared the same concern.

21 I was also trying to see if Jho, in fact, was, you
22 know, making an effort to get Roger out of Singapore and back
23 to Malaysia, which he said he was doing, confirming what Hwee
24 Bin had told me before, that he was speaking to the Prime
25 Minister and the Attorney General to seek his release.

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1 Q You mentioned that in your discussions with Hwee Bin that
2 you had talked about not communicating with the defendant
3 directly anymore?

4 A Yes.

5 Q What did you mean by that?

6 A Hwee Bin was afraid, and I shared that concern too, that
7 as Roger was being investigated in Singapore that his phone
8 was no longer secure in terms of communicating on that phone,
9 meaning that he would either be listened to or any messages
10 going to him would be received by the authorities there. So
11 it was my understanding from her, and I shared that, that that
12 phone was no longer secure to communicate with Roger.

13 Q So how were you supposed to communicate? Was there any
14 understanding about that?

15 A Yes, through her.

16 Q Through Hwee Bin?

17 A That's correct.

18 Q And how would you communicate through Hwee Bin?

19 A We would speak numerous times.

20 We essentially had a practice to be -- to use
21 WeChat, which is the Chinese version of WhatsApp, or a
22 communication app on the phone, and we thought that was at
23 least a step removed from any other authorities around the
24 world and that China would probably be a safe bet with WeChat.
25 So we stuck to WeChat at that time.

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1 Q Do you remember what your chat names were for each other?

2 A Mine was Forza with a Z, and her's was Morning Dew, I
3 believe.

4 Q And did you communicate with Hwee Bin at the morning dew
5 WeChat?

6 A Yes. We started communicating quite frequently, yes.

7 Q For WeChat, you can text message?

8 A Yes.

9 Q Can you also make phone calls?

10 A Yes, phone and video calls. It's really similar to what
11 we know as WhatsApp here mostly.

12 Q And how -- what method of communication were you using to
13 talk to Jho Low during that time?

14 A The same. We had switched from Blackberry messengers to
15 WeChat around about the same time.

16 Q And what were the reasons for going to WeChat?

17 You talked about security around the Blackberry.
18 Did you understand there was a security aspect to WeChat.

19 A Yeah. The same thing, we thought that, you know, WeChat
20 being owned by a Chinese company called Tencent, we thought it
21 was safer, away from the authorities, like in America or
22 Singapore, that we understood were investigating us.

23 Q If you could turn to tab 136A in your binder. It's
24 Government Exhibit 2602-C-1 for identification.

25 Do you see that, sir.

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1 A Yes, sir.

2 Q What do you recognize the document to be?

3 A It's -- it's that WeChat exchange which I am on.

4 MR. ROLLE: Your Honor, we would offer Government
5 Exhibit 2602-C-1.

6 MR. AGNIFILO: One second, Your Honor.

7 THE COURT: Mr. Rolle, I assume you're offering it
8 as redacted?

9 MR. ROLLE: Yes, Your Honor.

10 THE COURT: Is there any objection?

11 MR. AGNIFILO: There is not an objection. I think
12 there is some confusion as to numbers that we're working on.

13 We have no objection. I think that might change the
14 number at some point.

15 MR. ROLLE: Judge, it's marked on the screen as
16 2601-C-1, but it's actually being offered as 2602, so we will
17 correct the exhibit stamp on this document, but we would offer
18 it in its redacted form at this time.

19 MR. AGNIFILO: And we do not object.

20 THE COURT: It is admitted.

21 (Government Exhibit 2602, was received in evidence.)

22 Q Mr. Leissner, you said you recognize this as a WeChat?

23 A That's right, sir.

24 Q And there is something that says participants?

25 A Yes.

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1 Q The third line from the top?

2 A That's right.

3 Q It is a series of letters and then it says Forza Inter?

4 A That was my WeChat name.

5 Q That's you?

6 A That's right.

7 Q And then another similar series of letters and numbers.

8 And then it says Super Energizer Bunzzz with three Z's?

9 A Yes.

10 Q Who's that?

11 A That's Jho Low.

12 Q And there's a series of messages after that?

13 A Yes, sir.

14 Q The date of the first message below that, it's from Jho
15 Low?

16 A Yes, that's correct.

17 Q What's the date?

18 A It is 31st of October, 2017.

19 Q Jho Low says, "Can't talk"?

20 A Yes.

21 Q And then the next message is also from Jho Low?

22 A Yes.

23 Q "Call when up"?

24 A That's right.

25 Q Then the following message is also from Jho Low?

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1 A Yes.

2 Q What's the date of that message?

3 A It is the 1st of November, 2017.

4 Q Could you read the message Jho Low sent to you on
5 November 1, 2017?

6 A Yes.

7 "After 77 days of Singapore CAD holding on to Roger
8 Ng, Malaysian, former Goldman Sachs, passport allowing him
9 freedom of movement in Singapore but not allowed to leave
10 Singapore. Roger Ng went to court to demand back his passport
11 that Singapore CAD was being unreasonable."

12 Q And just to orient us, what is Jho Low reporting to you
13 in this message?

14 A He's basically referring to the detention of Roger in
15 Singapore with his passport being taken away.

16 Q The incident you just talked about?

17 A That's right. Correct.

18 Q And did you have an understanding as to why Jho Low was
19 sending you an update on the defendant's detention in
20 Singapore?

21 A Because I had communicated with him and asked him
22 questions around this, so had Hwee Bin. We all, three of us,
23 shared our grave concerns that Roger was in custody,
24 effectively in Singapore, or at least could not leave the
25 country and was being interviewed by the police and the

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1 authorities.

2 Q What was reported in the fourth line, fourth item in Jho
3 Low's message?

4 A "They came but he was in meeting with BSI banker, Yak Yew
5 Chee, Tim Leissner and JL, in discussions on Aabar."

6 Q And BSI was the bank you testified about last week?

7 A That's right. Correct.

8 Q The bank that would receive the money in connection with
9 the scheme, you understood?

10 A That's right.

11 Q And the bank that you, the defendant and Jho Low went to
12 a meeting?

13 A Well, yes. Roger and I went to that meeting in Singapore
14 for that lunch that I had described last week. Jho Low was
15 not in attendance at that lunch, but he had briefed us just
16 before the lunch about what we were expected to say and
17 present.

18 Q He was in that separate room?

19 A Correct.

20 Q In the restaurant?

21 A Uh-hum.

22 Q And if we could read -- if you could read the last
23 portion after the fifth item, what Jho Low was reporting to
24 you?

25 A "Looks like SG" -- that stands for Singapore -- "is still

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1 going full force. Not sure if as result of AG statement" --
2 AG, Attorney General statement -- "that 1MDB investigations
3 still ongoing."

4 "Today, SG" -- Singapore -- "also announced further
5 prohibitions on individuals involved in 1MDB breaches."

6 Q Do you recall what your reaction was to receiving this
7 kind of information about the defendant's detention in
8 Singapore and the status?

9 A Yes, sir. It was -- it continued to be great concern
10 that these investigations weren't stopping, they were
11 intensifying in nature, and now one of us who were part of the
12 scheme from the London meeting onwards was, in fact, detained
13 by one of the authorities. That's a big shift. That's a big
14 change and caused me great concern at the time about what
15 might happen to me as well, especially, also, because I was in
16 the U.S. with my family and also traveling around the world.

17 So, yeah, it gave me a pause to think what my
18 situation would be.

19 Q And by this point, you said November 2017, you had been
20 under subpoena in the United States since 2016?

21 A Correct.

22 Q But had you ever had to sit down or be interviewed or
23 questioned at any point after receiving that subpoena by any
24 authorities?

25 A I personally had never been interviewed. There was a

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1 meeting that one of my lawyers -- it was in Los Angeles -- had
2 with the Department of Justice, but I personally had never
3 been interviewed. That's correct.

4 Q So when the defendant was detained in Singapore, was that
5 the first time that you understood someone was being asked
6 questions directly about the criminal scheme?

7 A Yes. That was the first time I had seen it firsthand
8 that somebody of this -- of the inner circle, if you were, had
9 been arrested or detained.

10 Q And if you could turn to tab 136 B, Government Exhibit
11 2602-C-2 for identification.

12 Do you recognize that document.

13 A Yes, sir. That's, again, a WeChat exchange.

14 Q Were you part of the WeChat exchange in this exhibit?

15 A Yes, sir.

16 MR. ROLLE: We would offer Government Exhibit
17 2602-C-2 Your Honor.

18 MR. AGNIFILO: No objection, Your Honor.

19 THE COURT: It's admitted.

20 (Government Exhibit 2602-C-2, was received in
21 evidence.)

22 Q Who is this WeChat exchange between, you and who else?

23 A It's me, Forza Inter, and Morning Dew is Hwee Bin.

24 Q Morning Dew was Hwee Bin?

25 A That's right.

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1 Q And the date of the first message we see here, November
2 17, 2017?

3 A That's right. Correct.

4 Q And you say "heard the great news"?

5 A Yes.

6 Q "Sending my love to you both"?

7 A Yes, sir.

8 Q What were you talking about?

9 A I'm talking about Roger's -- Roger getting his passport
10 back and being able to travel back to Malaysia at that time.

11 Q And Hwee Bin responded to that?

12 A Yes. She says thank you.

13 Q What does she say next?

14 A Then she says, she is asking for us to speak quickly and
15 I give her the thank you prayer hands.

16 Q The prayer hands emoji?

17 A Yes.

18 Q And you respond yes, I can?

19 A Yes.

20 Q You respond I can?

21 A Yes.

22 Q And then Hwee Bin tells you what?

23 A "Call you," meaning she's going to call me.

24 Q Is that how you would set up and organize your phone
25 calls?

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1 A Yes. You know, often we would check first if it was
2 possible to speak at that time.

3 Q And do you recall speaking to Hwee Bin after the
4 defendant was -- left the detention in Singapore?

5 A Yes. I did speak to her. I expressed my happiness that
6 he had been released. I asked the circumstances of his
7 release and that if he was okay and what, you know, had
8 transpired in Singapore.

9 Yes, we did have a conversation.

10 Q And you had said Hwee Bin told you you couldn't talk to
11 the defendant directly?

12 A That's right.

13 Q Did you speak to him indirectly in any way after his
14 release from Singapore?

15 A Yes. I continued to, from then on, speak to Hwee Bin on
16 his behalf. And on one occasion down the road, I think I was
17 traveling in Mexico, he was also in the background as well,
18 but all the communications really went through Hwee Bin.

19 Q So you did, in fact, stop communicating directly with the
20 defendant --

21 A Yes. Yes. We believed at the time -- that's the
22 discussion we had, between Hwee Bin and myself -- that, in
23 fact, Roger's phone may be comprised in one way or another.

24 Q So as time went forward after the defendant returned from
25 Singapore, what did you talk about with Hwee Bin when you

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1300

1 would communicate with her?

2 A One -- there were several things. Of course, first, the
3 circumstances of his release and what had been discussed in
4 Singapore.

5 I was -- she told me that he, Roger, stuck with the
6 story of just focusing on the bonds and the financial aspects
7 of the bonds. She told me that Jho had, in fact, gotten help
8 from the Trump administration at the time to get Roger out of
9 Singapore, who had called the Singapore Government, that Jho
10 confirmed that narrative as well in a discussion I had with
11 him, and that over time, not on this first occasion, but
12 afterwards, she wanted to make sure that Judy was also going
13 to stick with this cover story that we had come up with after
14 that feng shui master's meeting. So she wanted to make sure
15 that that was something Judy would stick to if asked.

16 Q So how concerned were you as time went forward after the
17 defendant's release from Singapore about you being under
18 subpoena and these investigations you talked about?

19 A Of course I was growing more and more concerned that I
20 would be at some point a subject too or a target and would be
21 arrested, especially since I was traveling in and out of the
22 United States. I was traveling around the world. I couldn't
23 be sure I wouldn't face the same issue as he did.

24 Q Did you continue traveling even with those concerns?

25 A I did, sir. However, I did engage a new counsel at that

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1 time to help me prepare, in effect, a way of finding a way
2 that she could help and work with authorities because it was
3 just getting, in my view, a little bit too much in terms of
4 the -- the feeling I had as to what the authorities were doing
5 around the world.

6 Q When you say it was starting to feel too much, what do
7 you mean?

8 A It felt like, you know, the investigation wasn't
9 subsiding, it was, in fact, increasing from the subpoena, to
10 Roger's arrest. You know, it felt like -- yeah, essentially
11 the walls were closing in.

12 Q You were traveling through the United States because you
13 had a family at that point in the U.S.?

14 A Yes, sir.

15 Q Did you apply ever for a visa to be a permanent resident
16 of the U.S.

17 A Yes, I did, I applied for a green card.

18 Q As part of that process, did you ever reveal the fact
19 that you had committed crime around the 1MDB bond
20 transactions?

21 A No, sir, I didn't.

22 Q You didn't disclose that for your visa process?

23 A I did not, sir.

24 Q And why didn't you do that?

25 A Because it was my belief that that would have denied my

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1 application.

2 Q As a result of your guilty plea, do you understand that
3 you will be deported?

4 A That's my understanding.

5 Q Now, did you meet with Jho Low ever again in person after
6 the defendant's release from Singapore?

7 A Yes, sir. I met with Jho on at least one occasion, I
8 think even two, back in Hong Kong to have conversation with
9 him around, you know, what happened with Roger and what he was
10 doing with respect to the investigations, which were happening
11 around the world.

12 Q And what did you learn in your meetings with Jho Low?

13 A So I met with Jho on this one occasion, which I remember
14 very well, at the Marriott Hotel in Hong Kong in the Chinese
15 dining room. We had a private room again, where he briefed me
16 that he was -- he and his lawyers were in active dialogues
17 with the then administration under Trump, that he had met
18 Jared Kushner in Beijing and that it looked like the president
19 at the time and his close advisors were actually supportive of
20 a settlement on the 1MDB issue that included basically taking
21 care of -- ensuring that everybody who had been around Jho,
22 had stuck with Jho, essentially, would be part of the
23 settlement, one settlement, one payment, effectively, that
24 would stop any further investigation, would really be a
25 settlement.

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1303

1 He had hired Chris Christie at the time as his
2 lawyer and had -- he disclosed had paid him \$10 million in a
3 success fee if that was indeed achieved.

4 He did say that the DOJ was not in agreement at the
5 time and, therefore, it had not reached a settlement yet, but
6 at the very top level in U.S. Government that had been agreed.

7 Q And as Jho Low is reporting this to you, did you have any
8 idea if anything he was saying was true?

9 A I did not have any independent verification of that, sir.

10 I did discuss it with Hwee Bin, and it was my
11 belief, by extension to Roger, that that was what Jho was
12 saying and Jho was actually quite comfortable and confident
13 that he was able to resolve this 1MDB issue where the then
14 still Prime Minister of Malaysia as well because Najib was
15 still Prime Minister.

16 Q This sort of resolution that Jho Low described for you,
17 you used the term people that stayed close?

18 A Yes, sir.

19 Q What do you mean?

20 A Roger -- I'm sorry. Jho had effectively come up with a
21 number of people that had remained loyal to him who never
22 disclosed the scheme, that included Roger and myself, and some
23 others that he felt were part of that circle who knew but who
24 had not stepped forward to report any of it.

25 He had suspicions on other members that he thought

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1 had actually approached authorities to report on the scheme
2 and, therefore, he had made the distinction between the people
3 who had stayed close to him and hadn't revealed the scheme,
4 that included Roger and myself and then people who had
5 betrayed that trust effectively.

6 Q Who did he think betrayed his trust?

7 A He specifically mentioned Jasmine at the time, that he
8 had been concerned that he thought she had spoken to the FBI.

9 Q What did you understand at that time would happen to the
10 people who betrayed Jho Low's trust?

11 A That they weren't part of the settlement.

12 What he described to me was the settlement of a
13 monetary nature, meaning several billion dollars of payment at
14 that time that would forever settle this 1MDB issue, would
15 only include the general settlement people that were with him
16 and close to him, not those that had betrayed him.

17 Q What did you choose to do after that?

18 A I continued to travel and I started my conversation with
19 my attorneys to engage in a form of cooperation maybe,
20 something like that, where I would actually come forward with
21 my -- what I had done.

22 Q Did you have an understanding that that would be viewed
23 by Jho Low as a betrayal at that point?

24 A Yes.

25 Q Did you ever get a chance to come forward on your own?

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1305

1 A No, sir. I was supposed to meet my lawyer on my return
2 from a trip that I had taken to the Middle East, Asia, and
3 Europe on June 1st -- on June 10th. There was a meeting at
4 the airport in Washington to have this conversation as to what
5 we could do and what we could offer as a form of cooperation,
6 but that was also at the same time that I was arrested.

7 Q And you testified about that in the beginning of your
8 testimony?

9 A That's right, sir.

10 Q Once you were arrested that day, what did you decide to
11 do?

12 A I decided to cooperate with the Government.

13 Q And what did you understand that to mean, cooperate with
14 the Government at that point?

15 A That I would lay out all the facts of what happened in
16 these conspiracies around 1MDB.

17 Q Did you have to sit down with the Government and tell
18 them --

19 A Yes, sir.

20 Q -- these facts?

21 A Yes, sir.

22 Q Did you do that?

23 A Yes. We spent several months in 2018 going through all
24 those facts and what had happened.

25 Q How soon did you have to tell the Government the facts

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1 after you were arrested?

2 A That same evening.

3 Q The same night?

4 A Yes.

5 Q As part of your cooperation, what were you required to
6 do?

7 A First of all, tell the truth and go through all the
8 details, all the facts that were part and parcel of 1MDB and
9 the bond issues and the bribes and kickbacks and money
10 laundering that happened around them, it included talk about
11 any and all of my activities over the years leading up to
12 that, including other criminal activities that I had -- I had
13 done. It included sitting with the Government, coming to
14 testimonies when required, providing any kind of documents I
15 had in my possession or electronically or otherwise
16 physically, and to cooperate with them in all requests that
17 they had as part of the investigation.

18 Q And did you pick the questions you were asked at any of
19 your meetings?

20 A No, sir.

21 Q Were you asked about all the affairs that you have talked
22 about during the course of your testimony in this case?

23 A Yes.

24 Q All the lies that you had told to banks and to family
25 members?

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1307

1 A Yes, sir.

2 Q And did you tell the answers to those questions about all
3 of those topics?

4 A Excuse me, sorry, sir.

5 Q Did you give answers to all the questions --

6 A Yes.

7 Q -- you were asked?

8 A Yes, sir.

9 Q Were you directed by the FBI to try and make phone calls
10 as part of your cooperation?

11 A Yes, sir, I did as well.

12 Q Was it up to you who you would call?

13 A No, sir.

14 Q Was the FBI present and directing your actions when you
15 made those calls?

16 A Yes, sir.

17 Q Any time you made a phone call, were you allowed -- in
18 general, during your cooperation, were you allowed to reveal
19 your cooperation?

20 A No. The cooperation was to remain confidential,
21 including post my plea, my guilty plea.

22 Q At the time do you recall if your arrest and cooperation
23 was public?

24 A No. There was some -- there was some rumor at some point
25 around that, but it was, I think, a very short rumor.

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1 Q And throughout that time, did you reveal the truth about
2 your cooperation to anyone you were directed to contact?

3 A No, sir, I did not.

4 Q And you testified last week and today that as part of
5 your cooperation you had to tell the Government about all the
6 crimes you committed?

7 A Yes, sir.

8 Q All of them?

9 A All of them.

10 Q Going how far back in your life?

11 A All the way. All of my life.

12 Q And did you tell the Government about crimes that you did
13 not believe you were under investigation for at the time?

14 A Yes, certainly I did.

15 Q And after doing all of that, did you plead guilty?

16 A Yes, I did.

17 Q And do you know what sentence you're going to receive for
18 the crimes you've committed?

19 A No, sir.

20 Q What's the maximum sentence you could face sitting here
21 today?

22 A 25 years, sir.

23 Q Who's going to decide your sentence?

24 A The sentencing judge.

25 Q Sir, will the Government recommend any sentence for you?

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1309

1 A No, sir.

2 MR. ROLLE: If we can pull up Government Exhibit
3 3001, which is in evidence. And if we look at page 4 and
4 paragraph 4.

5 Well, first let me go back to page one, so you can
6 tell us. This is your cooperation agreement.

7 A Yes, sir.

8 MR. ROLLE: If we could go to page 4. If we could
9 enlarge paragraph 4 and the subparagraphs.

10 Q What does paragraph 4 say?

11 A It's basically my obligation under this agreement.

12 Q What does it say?

13 A It says, "The defendant will provide truthful, complete
14 and accurate information, will cooperate fully with the
15 Office, this cooperation will include but is not limited to
16 the following."

17 Q I'm going to direct your attention to paragraph 4H.

18 MR. ROLLE: If we could bring that up next to what
19 we're looking at here, Mr. Youkilis.

20 Q And as we do that, all of those items under paragraph 4,
21 what are they?

22 A They're basically the ones I had just mentioned, that I
23 will tell the truth about all the things I knew, all my
24 criminal activity, that I would participant in any
25 investigation, including phone calls and things like that,

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1 that I would keep that cooperation confidential and I would
2 testify when and so required.

3 Q Looking at paragraph 4H on the right-hand side, what's
4 that?

5 A It's my forfeiture agreement as part of this cooperation
6 agreement.

7 Q What does it say?

8 A That I would forfeit \$43,700,000.

9 Q And is that the only property you've agreed to forfeit?

10 A No, sir.

11 Q What else?

12 A I've also agreed to forfeit my interest in the Celsius
13 shares.

14 Q And the Celsius shares that you testified about earlier,
15 those are shares in the drink company?

16 A That's right.

17 MR. ROLLE: If we can pull up Government Exhibit
18 3002 for identification.

19 Q Do you recognize that, sir?

20 A Yes, sir.

21 MR. ROLLE: If we can go to the second page.

22 Q Do you recognize any signature?

23 A Yes, sir. That's my signature and my attorney's
24 signature.

25 Q What is the document you are looking at?

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1311

1 A It's the agreement by which I consent -- the consent by
2 which I would forfeit my interest.

3 Q And the Celsius shares?

4 A That's right.

5 MR. ROLLE: We would offer Government Exhibit 3002,
6 Your Honor.

7 MR. AGNIFILO: No objection.

8 THE COURT: It's admitted.

9 (Government Exhibit 3002, was received in evidence.)

10 Q If we zoom in on the first paragraph to this consent to
11 forfeiture. It says, "I, Tim Leissner, hereby consent
12 forfeiture to the United States of all right, title, and
13 interest in 3,325,942 shares of stock in Celsius holdings"?

14 A That's right. That's correct.

15 Q How much is that number of shares of Celsius stock worth
16 that you have consented to forfeit?

17 A Approximately 200 million or so.

18 Q \$200 million or so?

19 A That's right.

20 MR. ROLLE: We can take that down.

21 Q Now, sir, you have testified earlier it's your hope to
22 get what you have described as a 5K letter?

23 A Yes, sir.

24 Q And do you know -- you testified you're understanding is
25 that would allow the judge to go below the guideline range in

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1 sentencing you?

2 A That's correct.

3 Q Your guideline range today is life?

4 A The guideline is life given the size of what we are
5 talking about here, yes, that's my understanding.

6 Q Given the size of what?

7 A The -- the money laundering and the breaches of the FCPA.

8 Q And sitting here today, do you know if you are going to
9 get that letter?

10 A No, I do not know.

11 Q What sentence do you hope to get in your case?

12 A I hope that I don't have to go to prison. That's my
13 hope.

14 Q Do you know if you are going to prison?

15 A I do not know.

16 Q The judge decides your sentence as you've testified to
17 earlier?

18 A That's correct.

19 Q What's your understanding happens by the terms of your
20 cooperation agreement if you lie?

21 A Then this cooperation agreement becomes null and void.

22 Q Do you still have to pay your forfeiture?

23 A Yes.

24 Q Do you get your Celsius shares back?

25 A No, sir.

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1313

1 Q Were you still be sentenced for your crimes?

2 A Yes, sir.

3 Q Will you get a letter?

4 A No.

5 Q Will you still face a 25-year sentence in prison?

6 A Yes, sir.

7 Q Will your guidelines still be life?

8 A Yes, sir.

9 Q Over the course of the scheme, Mr. Leissner, how much
10 money did you pay the defendant in kickbacks for his role in
11 the scheme?

12 A About \$35 million, sir.

13 MR. ROLLE: I would like to pull up Government
14 Exhibit 2421 for identification.

15 Q Do you recognize that document, sir?

16 A Yes, sir.

17 Q It's an e-mail you received?

18 A That's right.

19 Q Who sent it to you?

20 A Judy sent it to me.

21 Q Is there an attachment?

22 A Yes.

23 Q What's the attachment called?

24 A Capital Place cash-flow. It's an Excel spreadsheet.

25 MR. ROLLE: If we could pull up the attachment, Mr.

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1314

1 Youkilis.

2 Q Do you recognize the attachment?

3 A Yes, sir. It's an Excel spreadsheet.

4 MR. ROLLE: Your Honor, we would offer Government
5 Exhibit 2421 at this time.

6 MR. AGNIFILO: No objection, judge.

7 THE COURT: It's admitted.

8 (Government Exhibit 2421, was received in evidence.)

9 Q Looking at this e-mail, you said it's from your ex-wife,
10 Judy Chan, to you?

11 A That's correct, at my Capital Advisors e-mail.

12 Q Your anonymized Capital Advisors e-mail?

13 A That's right.

14 Q The date is December 17, 2013?

15 A Yes.

16 Q That's after the three 1MDB bond transactions?

17 A That's correct.

18 MR. ROLLE: If we could go to the spreadsheet,
19 please, Mr. Youkilis. This is the attachment.

20 A Yes, sir.

21 Q There's three tabs at the bottom titled time deposit,
22 outgoing remittance, incoming remittance?

23 A Yes, sir.

24 Q What is this spreadsheet?

25 A It's basically a snapshot that Judy had sent to me at the

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1 end of December of 2013 of the money that Capital Place had
2 received from various sources and how that money had been sent
3 out, again, at the direction of Jho and Roger: Roger for his
4 part; Jho for all the other parts.

5 Q Capital Place was a shell you used -- one of the shells
6 you used as part of the scheme?

7 A That's right.

8 (Continued on next page.)

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1316

1 DIRECT EXAMINATION (Continued)

2 Q If we can go to the Incoming Remittance tab.

3 A Yes, sir.

4 Q What's Incoming Remittance -- what's the information
5 recorded here?

6 A It's the money that Capital Place received into its
7 account.

8 Q There's a series of names under the column Remitter?

9 A Yes, sir.

10 Q What are those names?

11 A Those are the -- the entities that sent the money into
12 the Capital Place account.

13 Q A number of them say Blackstone Asia Real Estate
14 Partners?

15 A Yes.

16 Q What's that?

17 A That's a shell company that sent the money into Capital
18 Place.

19 Q As part of the scheme?

20 A Yes.

21 Q Would you understand if that shell was a Jho Low shell?

22 A That was a certainly my understanding, yes.

23 Q And the date of the first entry for Blackstone Asia Real
24 Estate Partners is June 11, 2012?

25 A That's correct.

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1317

1 Q It's after the closing of Project Magnolia?

2 A Yes. It's a few weeks after Project Magnolia closed.

3 Q And the amount listed is \$35 million?

4 A Correct.

5 Q That's the first payment inflow as part of the scheme
6 into the shell company?

7 A Yes, that's the first one.

8 Q June 11, 2012?

9 A That's correct.

10 Q If we can go to Outgoing Remittance. What does that
11 record?

12 A Outgoing remittances are those that are paid out or sent
13 out by Capital Place to other destinations.

14 Q And the purpose of recording all of this information,
15 what was it?

16 A The purpose was for Judy to keep a track as to the monies
17 coming in and out of Capital Place. It allows us to know what
18 has been received and what has been sent out and what's left
19 as well.

20 Q And Eric Tan, as we saw, and Jho Low would ask you for
21 realtime accounting of the scheme money?

22 A Correct, and the spreadsheet would capture that kind of
23 accounting.

24 Q As of December 2013?

25 A That's right.

SN

RPR

OCR

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1318

1 Q What's the first entry for the outgoing remittances for
2 Capital Place?

3 A It's Certain Waters Enterprise Limited and it's 17 and a
4 half million, half of the 35 million that I had received.
5 This represents Roger's portion of that first payment.

6 Q This is the defendant's kickback, the first one?

7 A That's his half, that's right.

8 Q What's the date?

9 A It's June 13, 2012, so two days after the incoming
10 remittance was received.

11 Q You got \$35 million from Jho Low and two days later you
12 sent exactly half of that to the defendant?

13 A That's correct.

14 MR. ROLLE: One moment, Your Honor.

15 (Pause in proceedings.)

16 MR. ROLLE: No further questions at this time,
17 Judge.

18 THE COURT: Are you ready to cross, Mr. Agnifilo?

19 MR. AGNIFILO: Of course.

20 CROSS-EXAMINATION

21 BY MR. AGNIFILO:

22 Q You lied to the FBI; right?

23 A I did, yes.

24 Q So five minutes ago you just told this jury if you lie
25 during your cooperation your deal gets ripped up; right?

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1319

1 A That's correct.

2 Q You lied, right, yes?

3 A Yes, I did.

4 Q Has your deal been ripped up?

5 A No, not to my understanding.

6 Q You lied to the very prosecutor sitting at that table;
7 right?

8 A I --

9 Q Go ahead.

10 A I did at the outset of the discussions.

11 Q Did I ask you when?

12 A No, sir.

13 Q You lied to the prosecutor sitting at the table; right?

14 A Yes.

15 Q You lied to FBI agents, rights?

16 A I did.

17 Q You blamed others for things that you did; right?

18 A I have taken responsibility since, sir.

19 Q Listen to the question. You blamed others for things
20 that you did; right?

21 A At the outset of the investigations I did, sir.

22 Q Did I ask you when?

23 THE COURT: Don't do that Mr. Agnifilo.

24 MR. AGNIFILO: I'm sorry, Judge.

25 BY MR. AGNIFILO:

LEISSNER - CROSS - AGNIFILO

1320

1 Q You blamed others while you were speaking to the FBI and
2 while you were speaking to some of the prosecutors sitting at
3 this table, you blamed other people for things that you did?

4 A Sir, when I first was arrested, I was very scared. I was
5 in a situation that I hadn't anticipated. I was really scared
6 and I didn't quite know what I was doing. I have since then
7 taken full responsibility for all the things, all the crimes I
8 did myself. I have taken full responsibility for those.

9 Q These -- these meetings that you describe as scary
10 meetings, these are in conference rooms; right?

11 A Yes, sir.

12 Q These are meetings with your lawyer; correct?

13 A Yes.

14 Q They're meetings in conference rooms with your lawyer,
15 some of the prosecutors and some of the FBI agents; correct?

16 A That's correct.

17 Q You were never interrogated in a prison, for instance;
18 correct?

19 A That's correct.

20 Q You were never interrogated in a squad room of a police
21 precinct; correct?

22 A That's correct.

23 Q You were never coerced; correct?

24 A What do you mean with coerced, sir? I don't understand
25 that word.

SN

RPR

OCR

LEISSNER - CROSS - AGNIFILO

1321

1 Q Did the people at the prosecution table or the FBI agents
2 ever threaten your safety, for instance?

3 A No, they did not.

4 Q Did anyone ever show you a gun?

5 A No.

6 Q Did anyone ever strike you?

7 A No, sir.

8 Q You walked into every one of these interviews of your own
9 free will; correct?

10 A I don't know if I would describe it walking into the
11 meetings of my own free will. I walked into these meetings
12 when I was arrested and I agreed to cooperate.

13 Q When you made the decision that it was in your best
14 interest to talk to the authorities; correct?

15 A No, sir. I was arrested and I agreed to work with the
16 team, the prosecution and the FBI.

17 Q And who made that decision?

18 A I did.

19 Q That's my question. You made a decision of your own free
20 will to speak to the prosecutors and the FBI agents; correct?

21 A Yes, I made that decision myself.

22 Q And you always left those conference rooms a free man;
23 correct?

24 A No, sir. I wasn't a free man.

25 Q For the first two meetings; correct?

SN

RPR

OCR

LEISSNER - CROSS - AGNIFILO

1322

1 A No, sir. I was never free, even after that for three
2 months I was in confinement at home. I was only coming to
3 these meetings.

4 Q Just so I understand, how did you fly between your \$30
5 million Beverly Hills house and these meetings?

6 A Well, I was first in New York when I was arrested and the
7 first three months I spent here. I was not flying back and
8 forth. Subsequently to that, I flew on a commercial plane
9 between there and here.

10 Q And when you fly out of Teterboro, is that a commercial
11 plane or a private plane?

12 A That's a private plane.

13 Q And how many times did you fly to and from Teterboro for
14 these meetings?

15 A Once only.

16 Q Once only? When was that?

17 A In September/October of 2018.

18 Q Just so I understand this, you are flying back and forth
19 to meetings in Brooklyn; correct?

20 A That's right.

21 Q And when you are going back to Los Angeles, you are going
22 to the \$30 million house that you bought with stolen money, do
23 I have that right?

24 A Yes.

25 Q You knew that when you had these meeting with the

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RPR

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LEISSNER - CROSS - AGNIFILO

1323

1 Government that you were free at any moment to stop the
2 interview; correct?

3 A I don't know if -- what do you mean to free to stop the
4 interview?

5 Q You were free, it was your choice, you could stop the
6 interview if you wanted to?

7 A Yes, sir.

8 Q In fact, at the beginning of these sessions that's what
9 the authorities told you, correct, that if you want to stop
10 the interview at any time, you can stop the interview at any
11 time; right?

12 A Yes, sir.

13 Q And if you needed a minute to speak to your lawyer all
14 the agents and prosecutors would leave the room and you could
15 speak to your lawyer as long as you needed; right?

16 A That's correct.

17 Q And you went to these interviews because it was what you
18 thought was the best thing for you; correct?

19 A No, sir. I had made the decision after -- even before
20 coming back to America that I was -- I had to change my life
21 and turn over a new page, a new chapter in my life and
22 actually take responsibility for what I had done for the sake
23 of my own family. The investigations had come so close that I
24 had decided it was actually the right time, sir, to turn that
25 chapter and that was the decision that I made -- that was the

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RPR

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LEISSNER - CROSS - AGNIFILO

1324

1 decision I was making every time I spoke to them.

2 Q My question is that as a decision you made; correct?

3 A Yes, sir.

4 Q Because you didn't want to fight this case; correct?

5 A I decided that I was taking responsibility, you know, for
6 what I had done.

7 Q You didn't want to fight the case because you didn't
8 think you could win; correct?

9 A It wasn't an assessment of winning or losing, sir. It
10 was an assessment of taking responsibility to do the right
11 thing so I can actually look my children in the eye and say I
12 had finally done the right thing. I had done plenty wrong
13 over time. This was the time to come clean with what I had
14 done.

15 Q You were told at the outset of these meetings that it's a
16 federal crime to lie to the federal agents and the prosecutors
17 in these meetings; is that correct?

18 A That's correct sir.

19 Q And you understood that if you lied about something that
20 mattered, you would be committing a separate federal crime;
21 correct?

22 A Yes.

23 Q And this was told to you many times that if you lied
24 during the investigation you could be charged with an
25 independent federal crime; correct?

LEISSNER - CROSS - AGNIFILO

1325

1 A That's correct.

2 Q And that crime was making a false statement in the course
3 of an investigation, you understood that; right?

4 A Yes, sir.

5 Q But you went on to lie about a number of very important
6 topics, did you not?

7 A At the outset of the investigation, sir, I tried to
8 minimize my involvement, yes. To describe the situation at
9 the time, I was effectively thrown very much into the deep
10 end. I was scared. I didn't quite know. It became very
11 clear that this was the opportunity to take the
12 responsibility. I switched -- I didn't blame anybody anymore
13 for the things that I had done. I took full responsibility,
14 sir.

15 As I testified over the last two weeks, I took the
16 responsibility for all the things that I had done and the
17 crimes that I had committed, not just in this case but also
18 otherwise. So I made the conscious decision that the best
19 course was to tell the truth and only the truth through that
20 investigation and take responsibility.

21 Q You sat in these meetings with the FBI and the
22 prosecutors and you falsely told them that Roger Ng had done
23 things that you knew he did not do; correct?

24 A Only at the outset, sir. Only at the outset that I had
25 said that Roger had directed Judy Chan to make the transfer.

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RPR

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LEISSNER - CROSS - AGNIFILO

1326

1 That was false. I admitted to that. I was scared at the
2 time. I tried to minimize my own involvement. I have since
3 taken full responsibility, as you have heard over the last two
4 weeks, that I directed Judy in making all of those transfers.
5 I took responsibility for what I had done.

6 Q You made the decision, you, yourself, to go into a
7 meeting in a federal government office and to tell FBI agents
8 and federal prosecutors that Roger Ng that Roger Ng had done
9 something that at the time the words came out of your mouth
10 you knew he didn't do, yes or no?

11 A At the time, I had stepped off a twelve-hour flight from
12 Europe and I was really scared. I did not know what I was
13 doing and I did say that Roger had made -- given those
14 directions to Judy. I have subsequently taken responsibility
15 for those statements. I did give Judy those instructions.

16 Q You are telling me that the reason you implicated Roger
17 in this criminal activity is because you were on a twelve-hour
18 flight? Do I have that right?

19 THE COURT: Sustained, sustained.

20 BY MR. AGNIFILO:

21 Q Didn't you just say you came off of a twelve-hour flight
22 from Europe? Did I mishear you?

23 A No, I said that.

24 Q Where were you coming from?

25 A I was coming from Austria via Denmark to come back here.

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RPR

OCR

LEISSNER - CROSS - AGNIFILO

1327

1 Q After taking this twelve-hour flight you went into an FBI
2 meeting --

3 A I was --

4 Q Let me finish the question.

5 -- and you falsely implicated the man sitting here
6 on trial for having done things you knew he didn't do; do I
7 have that right.

8 A That's right.

9 Q And you said other things in these meetings that were not
10 true, am I right?

11 A Again, at the outside I was trying to minimize some of my
12 involvement. I have come clean and told the truth in all of
13 these.

14 Q You implicated Judy Chan in conduct that she did not, in
15 fact, do; correct?

16 A Again, it's the same topic. I tried to minimize my own
17 involvement and I have come clean and tried since then -- I
18 have actually taken full responsibility. I have never not
19 since then taken responsibility for what I have done. I have
20 done so. I have taken my responsibility.

21 Q The mother of your children -- you implicated the mother
22 of your children falsely in criminal activity; correct?

23 A Yes, sir. I am not proud of it and I have since then
24 taken that responsibility.

25 Q And the only reason you stopped falsely implicating the

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RPR

OCR

LEISSNER - CROSS - AGNIFILO

1328

1 mother of your children in criminal activity is because you
2 were shown documents that showed you that you were lying;
3 correct?

4 A No, sir. I decided to take responsibility for what I was
5 doing. It was the best course of action and the only one that
6 allowed me to come clean that I can do the right thing and
7 actually look those children that you just mentioned in the
8 eye and say yes, I that I have finally done the right thing
9 and they can be proud of me for actually telling the truth.

10 Q Let me ask you a question. You come into an FBI office
11 or a U.S. Attorney's office, you falsely implicate the mother
12 of your children in criminal activity and you walk out of the
13 meeting. Do you know what, if anything, is going to happen to
14 her?

15 A No, sir.

16 Q Did you rush back in that office the same day and say, I
17 have done something terrible; I have implicated the mother of
18 my children in serious criminal activity. Please don't do
19 anything. Did you say that that same day?

20 A No, I did not.

21 Q You went back over and over into the U.S. Attorney's
22 offices on subsequent occasions again and again and you
23 falsely implicated the mother of your children in serious
24 criminal activity; correct?

25 A No, sir. I have come clean to tell the world, including

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LEISSNER - CROSS - AGNIFILO

1329

1 the prosecutors, that I directed Judy to make those transfers
2 and I did say that over and over again. You are right on that
3 point, but it is me taking the responsibility for directing
4 her.

5 Q How many times in your recollection did you say over and
6 over again in these meetings that the mother of your children
7 was involved in criminal activity that you knew she was not
8 involved in? How many times?

9 A I don't know, sir.

10 Q More than twice, more than three times?

11 A I don't know, sir.

12 Q Do you care?

13 A I have taken the responsibility since then so, yes, I
14 care, sir.

15 Q So you agree that you have lied in these meetings with
16 the FBI about Roger and about Judy, do I have that right?

17 A Sir, at the outset I did and then I took full
18 responsibility and told the truth about my involvement,
19 Roger's involvement and Judy's involvement and exactly what
20 each one did.

21 Q I am not going to ask you in terms of time periods. You
22 have met with the FBI and the U.S. Attorney's Office more than
23 50 times; correct?

24 A Yes.

25 Q You and I have never spoken; right?

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RPR

OCR

LEISSNER - CROSS - AGNIFILO

1330

1 A That's correct.

2 Q I have never asked you a single question until ten
3 minutes ago; right?

4 A That's correct.

5 Q In the course of those 50 times, you lied about Roger Ng,
6 you lied about Judy Chan; correct?

7 A Only at the outset, sir. You have to understand the
8 timeframe; only at the very beginning. I came clean and took
9 full responsibility and that was all the time that was spent
10 with me talking with the prosecution team and the FBI about
11 all the facts as they were.

12 Q You lied to the FBI knowing that people's fate lied in
13 the balance based on what you said; correct?

14 A At that time I was really just trying to protect myself,
15 sir.

16 Q And in an effort to protect yourself, you falsely
17 implicated other people because you thought that that would
18 help you; correct?

19 A Sir, again, that only happened at the outset and since
20 then I have taken full responsibility. Sitting here today I
21 pled guilty and took responsibility for all the things I did
22 myself. So yes I have admitted to everything I have done.

23 Q We are going to go through your statements to the FBI in
24 excruciating detail, I assure you.

25 MR. ROLLE: Objection.

LEISSNER - CROSS - AGNIFILO

1331

1 MR. AGNIFILO: Withdrawn.

2 BY MR. AGNIFILO:

3 Q You will -- you agree with me that over the course of the
4 more than 50 times that you met with the U.S. Attorney's
5 Office and the FBI, your story changed; correct?

6 A Only at the outset. It has never changed since.

7 Q You are sure of that?

8 A Yes.

9 Q When you were telling these lies to the FBI and the U.S.
10 Attorney's Office did anyone say to you that your cooperation
11 agreement was done?

12 A No, sir.

13 Q When you were telling these lies to the FBI and the U.S.
14 Attorney's Office did anyone say they would no longer use you
15 as a cooperator?

16 A No, sir.

17 Q Do you believe you violated your cooperation agreement?

18 A No, sir. I have told the truth and I have -- I have gone
19 through all the facts as they were, sir.

20 Q Can we put up the paragraph that we just showed you a
21 little while ago? It's Government Exhibit 3001 and I want to
22 look at -- I think it's paragraph 16.

23 MR. ROLLE: Your Honor, could we approach briefly?

24 THE COURT: We can take our morning break now.

25 Come back at 20 to 12. Do not discuss the case and

LEISSNER - CROSS - AGNIFILO

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1 please remember to keep your distance. We will break for 15
2 minutes.

3 (Jury exits.)

4 (Sidebar held outside of the hearing of the jury.)

5 (Continued on next page.)
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SIDEBAR CONFERENCE

1333

1 (The following sidebar took place outside the
2 hearing of the jury.)

3 THE COURT: Yes, Mr. Rolle.

4 MR. ROLLE: Thank you, Your Honor. I want to raise
5 one concern, A, that the witness would be permitted to finish
6 his answers and in particular at one point he was explaining a
7 timeframe. Mr. Agnifilo said I am not asking you about
8 timeframes. He then began to talk about lies that the witness
9 in minimization had done without regard to any timeframe which
10 is fine. However, he then made the assertion, and I don't
11 believe there's a good faith basis for it around whether when
12 he was minimizing and lying if his cooperation agreement was
13 ripped up. The witness was trying to give a time frame
14 because he didn't have a cooperation agreement at the times he
15 was explaining himself and I think was attempting to give the
16 timeframe.

17 So I just want to raise that for Your Honor's
18 attention. I don't know where counsel was headed, but I don't
19 want to give a misimpression about timing where the witness
20 was trying to give a timeframe and the question wasn't calling
21 for it.

22 THE COURT: This is something you can deal with on
23 redirect. Mr. Agnifilo is on cross-examination. He has the
24 right to cross the witness whichever way he wants to. I
25 appreciate the witness was trying to explain that he believes

SIDEBAR CONFERENCE

1334

1 in his mind that he did not, after he signed his cooperation
2 agreement, engage in any activity that Mr. Agnifilo has
3 suggested. At least that was my understanding of what he was
4 trying to explain, but I am not going to tell Mr. Agnifilo how
5 to conduct his cross-examination.

6 MR. ROLLE: Understood. That was our understanding,
7 too, of the answer. I was concerned if the witness wasn't
8 going to be able to finish and give a timeframe that we might
9 have some ambiguity on that point. I don't think we're at
10 that point, but I wanted to raise it.

11 THE COURT: You certainly have the right to object
12 at any point in time and I will rule on the objection.

13 MR. ROLLE: Thank you, Judge.

14 THE COURT: Anything else?

15 MR. AGNIFILO: Not from us.

16 THE COURT: All right. I will see the parties at 20
17 minutes to.

18 (Sidebar ends.)

19 (Recess taken.)

20 (Continued on next page.)
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LEISSNER - CROSS - AGNIFILO

1335

1 (Jury enters.)

2 THE COURT: Please continue, Mr. Agnifilo.

3 MR. AGNIFILO: Thank you, Your Honor.

4 CROSS-EXAMINATION (Continued)

5 BY MR. AGNIFILO:

6 Q Before we broke you were telling this jury about how you
7 wanted to make things right and so you decided to cooperate;
8 correct?

9 A Yes, sir.

10 Q In May of 2018, less than a month before you got arrested
11 you were trying to renew your Brazilian passport, right?

12 A I believe so, sir, yes.

13 Q And around that time, you had text messages with Maria
14 who you know as Molly; correct?

15 A Yes.

16 Q Tell the jury who that is.

17 A She was my -- the family's assistant and also I had an
18 affair with her.

19 Q And you told Maria, I think Brazil is the right option
20 for me; right?

21 A Yes.

22 Q And what you were saying to Maria is Brazil might be the
23 right option for you as a place to live; correct?

24 A I don't recall what that message, sir.

25 Q You agree with me it's the same period of time when you

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RPR

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LEISSNER - CROSS - AGNIFILO

1336

1 were renewing your Brazilian passport; correct?

2 A It may, yes.

3 Q And do you remember this communication between you and
4 Maria by text?

5 A Not particularly, sir.

6 Q And you remember saying that, By the way, I think Brazil
7 is the right option for me? It was from May 27, 2018; does
8 that sound about right?

9 A You have to refresh me and show me the document, please.

10 Q I am glad to do that.

11 MR. AGNIFILO: We're going to put it up for the
12 witness and the Government and the Court, Defendant's Exhibit
13 33 for identification.

14 THE COURT: 33.

15 (Exhibit published to witness only.)

16 MR. AGNIFILO: Is it there for Your Honor.

17 THE COURT: Yes.

18 BY MR. AGNIFILO:

19 Q Can you see it, Mr. Leissner?

20 A Yes, I can.

21 Q Exactly. Do you remember -- all I'm asking you, do you
22 remember the time frame as May of 2018 when you were telling
23 Maria that Brazil is the right option for you?

24 A Yes.

25 Q And do you recall an ongoing conversation with -- and

LEISSNER - CROSS - AGNIFILO

1337

1 Maria was Brazilian; correct?

2 A Yes.

3 Q She was a citizen of Brazil?

4 A Yes.

5 Q And you were a citizen of Brazil?

6 A Yes.

7 Q And that conversation between you and Maria involved you
8 asking Maria -- you telling Maria that Brazil is the right
9 place for you; correct?

10 A Yes.

11 Q But then you got arrested; correct?

12 A Yes, sir.

13 Q Let's talk about this arrest. You flew into the country
14 on June the 10th, 2018; correct?

15 A Yes.

16 Q Now, I think you said when you were on direct examination
17 that you had previously spoken previously with the FBI on
18 February 27, 2016, so more than two years earlier; correct?

19 A That's right; correct.

20 Q So we're going to start with that. On February 27, 2016
21 you were stopped at JFK Airport by a special agent of the FBI
22 Justin McNair and Robert Heuchling; is that correct?

23 A That's correct.

24 Q And you were specifically asked about the three 1MDB
25 deals; correct?

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RPR

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LEISSNER - CROSS - AGNIFILO

1338

1 A Yes.

2 Q And you were asked about bribe payments?

3 A I don't remember the exact conversation, but, yes, that
4 was the topic of the subpoena that they were handing to me.

5 Q And so they gave you a grand jury subpoena; correct?

6 A That's correct, yes.

7 Q And the grand jury subpoena indicated that there was an
8 investigation going on in the central district of California.
9 Do I have that right?

10 A Yes, sir.

11 Q And do you recall if they asked you specifically about
12 the possibility of bribe payments being paid to former public
13 officials in Malaysia including the former prime minister,
14 Najib Razak?

15 A I don't remember the exact question. What I do remember,
16 sir, is that they highlighted the subpoena which was in
17 relation to 1MDB and bribes to be paid from 1MDB. That's what
18 I recall.

19 Q Do you remember that they asked you about Jho Low?

20 A I don't remember the conversation in its specificity.

21 Q Fair to say you never brought up the name Roger Ng in
22 this interview with the FBI; correct?

23 A I did not.

24 Q Now, at that point, you had telephones with you; correct?

25 A Yes, sir.

LEISSNER - CROSS - AGNIFILO

1339

1 Q Did the FBI take your phones?

2 A Yes sorry, 2016?

3 Q 2016.

4 A No, sorry, they did not.

5 Q They did not take your phones?

6 A They did not.

7 Q You agree with me that in the months before February 27,
8 2016 there were communications on your phone between you and
9 Low; correct?

10 A Yes.

11 Q And they did not take your phones?

12 A They did not.

13 Q Then you got stopped again on March the 14, 2016, this
14 time at Newark airport. Do you remember that?

15 A No, sir, I don't remember that.

16 Q Do you remember being put into secondary holding and
17 being --

18 A Sorry, yes, that's right.

19 Q -- and being questioned by someone from the Department of
20 Homeland Security?

21 A I don't remember the circumstances at that time.

22 Q Fair to say you -- you didn't say anything about Roger
23 when you were stopped on March 14, 2016 by the Department of
24 Homeland Security, fair to say?

25 A I don't remember that stop in the first place and I don't

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RPR

OCR

LEISSNER - CROSS - AGNIFILO

1340

1 remember talking about Roger at that time.

2 Q Well, you say you don't remember the stop in the first
3 place, but do you remember any aspect of it?

4 A No, I don't sir.

5 Q Do you not remember being stopped?

6 A No.

7 Q You don't remember being stopped by the Department of
8 Homeland Security?

9 A I do not, sir.

10 Q Do you remember speaking with the employers from Goldman
11 Sachs on April 12, 2017?

12 A April 12, 2017. Lawyers from Goldman Sachs?

13 Q Right.

14 A No, I don't remember.

15 Q From Sullivan & Cromwell?

16 A No, I don't remember.

17 Q They would have asked you about Banque Havilland?

18 A I don't remember that date, sir. I remember when I
19 was -- when I first was interviewed by Goldman Sachs and
20 Sullivan & Cromwell, but not 2017.

21 Q Do you remember appearing before regulators around that
22 time, April 2017?

23 A I never appeared before regulators, sir.

24 Q Let's talk about your arrest. You told the jury you were
25 arrested by the FBI; correct?

LEISSNER - CROSS - AGNIFILO

1341

1 A Yes, sir.

2 Q And you were arrested as you flew into Dulles Airport in
3 Washington, D.C.; is that right?

4 A That's correct.

5 Q And you flew to Dulles specifically on June 10, 2018?

6 A That is correct.

7 Q And you were flying into D.C. to meet your lawyer;
8 correct?

9 A Yes.

10 Q And his name is Eugene Sullivan?

11 A That's correct.

12 Q And you call him Judge?

13 A That's correct.

14 Q And the agents and the prosecutors called him Judge in
15 your presence; is that correct?

16 A I don't remember what they called him, but Judge was a
17 common term that he used for himself, correct.

18 Q Because he was a judge?

19 A He was a retired judge.

20 Q He was a retired federal judge?

21 A Correct.

22 Q And the principal of his firm is someone named Louis
23 Freeh; correct?

24 A Yes.

25 Q And Louis Freeh was the head of what organization?

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RPR

OCR

LEISSNER - CROSS - AGNIFILO

1342

1 MR. ROLLE: Objection.

2 THE COURT: Sustained.

3 BY MR. AGNIFILO:

4 Q Louis Freeh --

5 THE COURT: Sustained.

6 MR. AGNIFILO: No, I'm just -- I'm just trying to
7 clarify. I'm not asking him the question again.

8 BY MR. AGNIFILO:

9 Q So you are removed from Customs at about 3:15 on June the
10 10th; correct?

11 A Sorry, I don't remember the exact time.

12 Q And you meet with your lawyer, Mr. Sullivan, later that
13 day; correct?

14 A Yes, I -- yes, I do.

15 Q And, in fact, the FBI arranges for you to meet with your
16 lawyer at about 5 o'clock that day. Do you recall?

17 A Again, I don't recall the exact time, but, yes. It --
18 it's arranged by the FBI to meet with him, yes.

19 Q And you are under arrest, right? You have not seen a
20 judge; correct?

21 A That's correct.

22 Q You have not been ordered to be released by a judge, am I
23 right?

24 A That's correct.

25 Q And that night do you -- are you taken to a jail?

LEISSNER - CROSS - AGNIFILO

1343

1 A No, sir.

2 Q Are you taken to a prison?

3 A No, sir.

4 Q Are you taken to any place with bars?

5 A No, sir.

6 Q You were taken to the Marriott; right?

7 A Yes, sir.

8 Q You were taken to the Marriott Renaissance in Washington,
9 D.C.?

10 A Correct.

11 Q I don't remember which Marriott it is, but it was in
12 Washington, D.C.?

13 A Yes.

14 Q A four- star hotel in Washington D.C., that's where you
15 were taken; do you remember that?

16 A I don't know the stars of the Marriott. It was the
17 Marriott in D.C.

18 Q And the agents brought you there to the Marriott;
19 correct?

20 A Yes, I was still under arrest.

21 Q You were under arrest. Were you in handcuffs?

22 A Yes, I was in handcuffs going this to the Marriott.

23 Q And when you went to the Marriott did you spend the night
24 in handcuffs or leg shackles or anything like that?

25 A No, sir.

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RPR

OCR

LEISSNER - CROSS - AGNIFILO

1344

1 Q You are in a hotel room?

2 A That's right.

3 Q Was anyone staying with you?

4 A The FBI agent is staying in the room just adjacent to my
5 bedroom.

6 Q But you are in a hotel. You have never been on the
7 inside of a jail; am I right about that?

8 A That's correct.

9 Q As we sit here today you have never seen the inside of a
10 prison; correct?

11 A That's correct.

12 Q And you are telling this jury that you hope you never do;
13 right?

14 A Yes, sir.

15 Q Now, you say that night you start speaking with the
16 Government?

17 A Yes.

18 Q And you speak to them for the next couple of days;
19 correct?

20 A I would speak to them for a few months, in fact.

21 Q Before -- at one point you are taken to Brooklyn;
22 correct?

23 A That's correct.

24 Q And you are driven there by the agents; correct?

25 A Yes.

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LEISSNER - CROSS - AGNIFILO

1345

1 Q And at one point you are using your cell phone on June
2 the 12th; do you remember that?

3 A It may be the case. I don't know.

4 Q So was this the kind of arrest where you get to keep your
5 phone?

6 A I still had access to my phone, yes.

7 Q And so you are communicating on your phone while you are
8 under arrest in the hotel. Do I have this right?

9 A I didn't have my communication devices in the hotel, in
10 the Marriott in Washington, D.C. No, I did not.

11 Q Do you remember communicating on the 12th, on June the
12 12th, using your phone?

13 A No. I can't remember that sir.

14 Q But you remember you had your phone?

15 A I had my phones at a later stage. I don't know when
16 those were returned.

17 Q And then you were brought to Brooklyn a couple of days
18 later; correct?

19 A That's correct.

20 Q And the agents drive you there; correct?

21 A In handcuffs they drove me there. That's right.

22 Q And you appear in front of the judge; right?

23 A That's correct.

24 Q And the judge releases you?

25 A On bail, yes.

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LEISSNER - CROSS - AGNIFILO

1346

1 Q Did you have to pay any money?

2 A Not at that point, no.

3 Q Have you had to pay any money out of your pocket at any
4 point?

5 A I have to pay out of my pocket many times. What are you
6 referring to specifically?

7 Q I mean to a court to allow you to stay free?

8 A No, sir.

9 Q When you said that it's not at that point, it's not at
10 any point. You never had to actually part with any money in
11 order for you to be a free man; correct?

12 A That's not correct, sir.

13 Q Have you paid money out of your pocket?

14 A I had to give up my Celsius shares, the shares that the
15 government took a lien on which at the time were -- had, I
16 think, a value of 15 to \$20 million.

17 Q I'm talking about actually parting with cash. You never
18 had to part with cash?

19 A It's not cash, but monetary value is 15 to 20 million.

20 Q My question is cash. You have not paid any cash to get
21 your release; right?

22 A That's right.

23 Q All right. Let's talk about on -- one other thing before
24 we get into other issues. When you started testifying, you
25 said that you have a doctorate in business administration;

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LEISSNER - CROSS - AGNIFILO

1347

1 right?

2 A Yes, sir.

3 Q Is there a reason you don't put that - what did you have
4 to do to get that doctorate?

5 A I had to write a dissertation.

6 Q What did you write the dissertation on?

7 A On hedging a corporation to push investment.

8 Q And is there a reason why you don't list that doctorate
9 on your resume?

10 A No. I have changed my resumes many times, sir, but I
11 don't use resumes these days anymore.

12 Q So I'm going to show you what's been marked for
13 identification only as DX-10.

14 MR. AGNIFILO: We're only going to do this for
15 identification, Judge.

16 (Exhibit published to witness only.)

17 BY MR. AGNIFILO:

18 Q We're going to go to the last part where it says
19 Education.

20 A Yes.

21 Q I'm going to ask if you can see it.

22 A Yes.

23 Q Do you recall that you did not list your doctorate degree
24 on your resume?

25 A No, I didn't recall that, sir.

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LEISSNER - CROSS - AGNIFILO

1348

1 MR. AGNIFILO: Can we go to the top.

2 (Exhibit published to witness only.)

3 MR. AGNIFILO: Your Honor, I'm going to ask that we
4 admit it since he couldn't recall it as DX-10, Judge.

5 MR. ROLLE: Objection.

6 THE COURT: Sustained.

7 BY MR. AGNIFILO:

8 Q Do you recall why -- do you know of a reason why you
9 would not list a doctorate degree on your own resume?

10 A I don't recall, sir.

11 Q Is the educational institution where you got this degree
12 still in existence?

13 A I don't know, sir.

14 Q You don't know?

15 A No, I don't.

16 Q Is it possible it's not in existence?

17 A I really wouldn't know, sir. I haven't checked.

18 Q You were married to Judy Chan on December 12, 2000;
19 correct?

20 A Yes, sir.

21 Q And the two of you met at Goldman Sachs; right?

22 A Yes.

23 Q And your position at the time was a managing director?

24 A No, sir.

25 Q In December of 2000, what were you?

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LEISSNER - CROSS - AGNIFILO

1349

1 A I was a vice president.

2 Q And Judy Chan was in human resources?

3 A That's right.

4 Q And you were confronted by Goldman Sachs over the fact
5 that you and Judy were dating, were you not?

6 A I don't know if we were confronted. We certainly had to
7 disclose it at the time.

8 Q And who did you have to disclose it to?

9 A We disclosed it to the head of HR.

10 Q One of the issues is that while you were dating Judy you
11 were married; correct?

12 A Yes, the -- we had -- we were in the process already of
13 getting divorced, but it hadn't been finalized yet.

14 Q This is Afsenah; correct? Your wife has the name
15 Afsenah; correct?

16 A Yes.

17 Q When do you think this divorce with Afsenah was started?

18 A I don't recall, sir.

19 Q Can you give me an approximate date and month and year?

20 A We separated when I first went to Hong Kong in 1997 and
21 it may have been sometime in 1999 or early 2000 that we
22 started that process, but I can't recall.

23 Q And when you say, started that process, who started the
24 process?

25 A I believe I did.

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LEISSNER - CROSS - AGNIFILO

1350

1 Q Now, you -- you were living in Hong Kong; correct?

2 A That's right.

3 Q And Afsenah was living in England; correct?

4 A That's right.

5 Q And you did research into places where you could get a
6 certain type of divorce, did you not?

7 A What do you mean when you refer to certain kind of
8 divorce?

9 Q So let me ask it differently. Did you ever live in the
10 Dominican Republic?

11 A No, sir.

12 Q Did Afsenah ever live in the Dominican Republic?

13 A No, sir.

14 Q Did you ever live as a married couple in the Dominican
15 Republic?

16 A No, sir.

17 Q Did you own property in the Dominican Republic?

18 A No, sir.

19 Q Did Afsenah own property in the Dominican Republic?

20 A No, sir.

21 Q How did you pick the Dominican Republic?

22 A It was a place where we could have a speedy divorce with
23 mutual consent.

24 Q And did you travel there?

25 A No.

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LEISSNER - CROSS - AGNIFILO

1351

1 Q And did she travel there?

2 A No, sir.

3 (Continued on the following page.)

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LEISSNER - CROSS - AGNIFILO

1352

1 CROSS-EXAMINATION (Continued)

2 BY MR. AGNIFILO:

3 Q And you submitted paperwork to the court in the Dominican
4 Republic to get this divorce, correct?

5 A I believe so, sir, but I can't be certain any more what
6 we submitted. We certainly went through the process that was
7 required in the Dominican Republic.

8 Q When you say "we," are you telling us that Afsenah knew
9 that you were looking for a divorce in the Dominican Republic?

10 A She came to me about it, sir, and she originally agreed
11 with me that that would be a place where we could get a
12 divorce. But she also wanted to get a divorce in the UK,
13 because she wanted to split the assets under UK law.

14 Q So Afsenah, your wife, wanted to get divorces in two
15 different countries? Is that what you're telling us?

16 A She didn't care about the first one. She left the
17 divorce proceedings to me, sir.

18 She was very focused on getting her divorce in the
19 UK effective, because she wanted to get her side of the assets
20 at the time.

21 Q So she filed for divorce in the UK, correct?

22 A Yes.

23 Q You filed for divorce in the Dominican Republic, right?

24 A Yes.

25 Q And you remember there being conversations between you

LEISSNER - CROSS - AGNIFILO

1353

1 and Afsenah that Afsenah had no idea that you were seeking a
2 divorce in the Dominican Republic?

3 A That's correct. But she then later consented or agreed
4 at least to it. She still -- sorry.

5 She still wanted to get the UK divorce done as well.

6 Q Let's go step by step.

7 How did you go about getting a divorce from Afsenah
8 in the Dominican Republic without her knowledge? How did you
9 do that?

10 A Just applied to.

11 Q So did anyone, did the court in the Dominican Republic
12 ask what Afsenah's position was in this divorce you were
13 getting?

14 A I don't recall, sir. Certainly she agreed to it at the
15 end.

16 Q So when you say "at the end," what are the documents that
17 you filled out, you yourself, without Afsenah, to get a
18 divorce from her in the Dominican Republic?

19 A I don't recall her.

20 Q And fair to say that after you filled out these
21 documents, Afsenah came to you and said, I had no idea you
22 were divorcing me in the Dominican Republic?

23 A I don't recall, sir, the circumstances. All I remember
24 is that at the end she did agree to it.

25 Q When you say "at the end," when did she agree to it?

LEISSNER - CROSS - AGNIFILO

1354

1 A I don't know, whatever date it was it became effective.

2 Q The divorce she agreed to, was the one in England, right?

3 A She agreed to that, too, and that's what we went through.

4 Q She filed for divorce in England, right?

5 A Yes, she did.

6 Q And did you file for divorce in Hong Kong?

7 A No.

8 Q You never filed for divorce in Hong Kong?

9 A Sorry, yes, with Judy later on, yes.

10 Q Okay. I mean with Afsenah?

11 A No.

12 Q So the only operative divorce that you had between
13 yourself and Afsenah was the one in England?

14 A Well, and the Dominican Republic one as well.

15 Q Wasn't the problem with the Dominican Republic divorce is
16 that you got it through fraud?

17 A I don't -- I don't know what that means, sir, sorry.

18 Q You don't know what that means?

19 A I don't know what you mean it was only gotten by fraud.

20 Q You represented to the court in the Dominican Republic
21 that Afsenah was interested in getting this divorce and, in
22 fact, she didn't know about it.

23 A Initially, sir, but at the end, again, she had agreed to
24 it.

25 Q I'm not talking about the end just yet. I'm talking

LEISSNER - CROSS - AGNIFILO

1355

1 about how you filed for divorce from your wife at the time,
2 sir.

3 A That I don't remember exactly the steps.

4 Q At one point you decide you can get a divorce in the
5 Dominican Republic, correct?

6 A That's correct.

7 Q You don't tell Afsenah that you were seeking to divorce
8 her in the Dominican Republic, correct?

9 A Not at the beginning, you're right.

10 Q Then you fill out documents, and you submit them to a
11 court in the Dominican Republic, correct?

12 A Yes.

13 Q But you don't tell Afsenah that you're divorcing her in
14 the Dominican Republic, correct?

15 A Not at the outset, that's correct.

16 Q You filed documents on behalf of Afsenah that she wants
17 this divorce, that she consents to this divorce, but those
18 documents are false, correct?

19 A I don't remember that, sir.

20 Q You don't remember filing false documents with the
21 Dominican Republic court to get a divorce?

22 A No, sir, I don't.

23 Q Do you remember when this divorce comes through, the
24 Dominican Republic divorce?

25 A Yeah, I think the middle of 20 -- of 2000.

LEISSNER - CROSS - AGNIFILO

1356

1 Q 2000. You're certain about that?

2 A Yes, I believe so.

3 Q Do you remember getting a court order and decree from
4 Santo Domingo in the city of the Dominican Republic dated
5 March 23rd, 2001, that the divorce being effective
6 January 18th, 2001? Do you remember that?

7 A No, sir.

8 Q You don't remember?

9 A I don't remember the dates on it.

10 Q I'm going to ask -- I'm going to show you something just
11 to refresh your recollection for the time being. It's DX31.

12 This is just for you to refresh your recollection.

13 (The witness is reviewing the document.)

14 A Yes, sir.

15 Q Have you ever seen that before?

16 A I do think so, yes.

17 Q It was on your laptop. Do you remember that?

18 A I don't know if it was on my laptop, but maybe.

19 Q And this is the court order and decree from the Dominican
20 Republic in connection with your divorce from Afsenah.

21 MR. ROLLE: Objection.

22 THE COURT: What's the objection?

23 MR. ROLLE: This is not in evidence, Judge.

24 MR. AGNIFILO: I'm just asking if that's what he
25 recognizes it to be.

LEISSNER - CROSS - AGNIFILO

1357

1 THE COURT: It's overruled.

2 You can answer.

3 A I do recognize it, yes, sir.

4 Q Now I'm just going to ask you for the time being if you
5 remember certain things.

6 Do you remember faxing this document from the
7 Goldman Sachs phone number in Hong Kong, 852-2978-1530?

8 Do you remember doing that?

9 A No, I don't, sir.

10 Q Do you remember that phone number as being a Goldman
11 Sachs phone number for faxes?

12 A I remember the 2978 is a Goldman Sachs prefix, yes.

13 Q And do you remember getting a divorce decree that was
14 interpreted by this Claudia Machado from the Santo Domingo
15 court in the Dominican Republic?

16 Do you remember doing that?

17 A I don't remember that, sir, no.

18 Q And do you remember the date of the document being
19 March 23rd, 2001?

20 A Not independently from your document here.

21 Q Let's go to the second page.

22 Do you remember a second document called a decree of
23 dissolution of marriage?

24 A Again, I don't have a recollection of it, but I'm seeing
25 it in front of me right now.

LEISSNER - CROSS - AGNIFILO

1358

1 Q And do you recall faxing this document from a Goldman
2 Sachs fax number with the fax number that we just discussed
3 earlier?

4 A No, sir.

5 Q Let's go to the third page. Pronunciation of final
6 judgment.

7 Do you remember seeing this in connection with your
8 Dominican Republic divorce?

9 A Again, sir, not independently of what I see right now in
10 front of me.

11 Q You remember this being dated March 23rd, 2001?

12 A Again, I can read this here, but I don't remember it.

13 Q You got married to Judy Chan in December of 2000, right?

14 A That's right.

15 Q So you were very much married to Afsenah at the time that
16 you married Judy Chan; were you not?

17 A Yes, sir.

18 Q So you were married to two women at the same time,
19 correct?

20 A Yes.

21 Q Did you tell Judy Chan that you were married at the time
22 you married her?

23 A I don't remember that, sir.

24 Q I would think that would be the kind of thing anyone
25 would remember.

LEISSNER - CROSS - AGNIFILO

1359

1 You don't remember telling --

2 A She knew -- she knew about Afsenah, and she knew the
3 detail about the divorce. I don't know whether we discussed
4 timing of the divorce.

5 Q Do you remember telling Judy Chan -- do you remember
6 telling Judy Chan -- withdrawn.

7 At the time that you married Judy in December of
8 2000, had you told Judy on the day that you married her that
9 you were already married?

10 A She knew I had been married. I don't know if I told her
11 that the divorce was taking longer.

12 Q If the divorce was what?

13 A Taking longer.

14 Q So are you saying that Judy might have married you
15 knowing that you were already married?

16 A I don't remember, sir.

17 Q You don't remember?

18 A That's right.

19 Q Did you tell your wife at the time, Afsenah, that you
20 were getting married to Judy Chan in December -- on
21 December 12th, 2000?

22 A No, I don't believe so.

23 Q Did you tell Afsenah at any point before the divorce was
24 finalized that you were married Judy read to someone else
25 while you were married to her?

LEISSNER - CROSS - AGNIFILO

1360

1 A I don't know, sir.

2 Q You don't know.

3 Fair to say you didn't -- you didn't tell Judy that
4 you were married to Afsenah at the time you married Judy
5 because you didn't want Judy to know? You wanted Judy to
6 marry you?

7 A Sorry, which part is your question?

8 Q The question is: On December 12th, 2000, the day you
9 married Judy Chan --

10 A Yes.

11 Q -- did Judy Chan know, did you tell Judy Chan as of the
12 minute you got married, that you were married to Afsenah?

13 A I don't remember. She knew that the divorce was taking
14 longer, as I had just mentioned, so I don't know what the
15 discussion was that we had at that time.

16 Q When you say "the divorce," what divorce are you talking
17 about?

18 A From Afsenah.

19 Q From where?

20 A From Afsenah.

21 Q That's from 2001. Is there another divorce? Is there
22 another divorce other than the divorce in England, which is
23 after the Dominican divorce, correct?

24 A That's right.

25 Q Is there a divorce from the Dominican Republic that's

LEISSNER - CROSS - AGNIFILO

1361

1 before 2001?

2 A I only see the one that you just showed me.

3 Q Which is from 2001?

4 A That's right.

5 Q There's no other divorce, correct?

6 A That's right.

7 Q So when you're saying that Judy understood you were
8 already divorced you weren't already divorced. You got
9 married to Judy at the same time you were married to Afsenah.
10 You hadn't even started the process yet. Right?

11 A Well, I don't -- again, I don't recall the timing of it
12 and how -- what the discussion was with Judy.

13 She knew that the divorce was taking longer. And I
14 don't know if it was the Dominican Republic or the UK one.

15 Q Do you remember that Afsenah -- that you and Afsenah had
16 to appear in connection with the divorce in the UK.

17 A What do you mean "appear"?

18 Q You had to file documents.

19 A Yes, correct.

20 Q And Afsenah said that you got the Dominican divorce
21 without her knowledge, correct?

22 A Yes, but she had agreed to it afterwards.

23 Q Initially when you got the Dominican divorce --

24 A Right.

25 Q -- she knew nothing about it?

LEISSNER - CROSS - AGNIFILO

1362

1 A That's correct. Initially she did not, but she agreed to
2 it later.

3 Q You divorced her behind her back by going to the
4 Dominican Republic and getting a divorce that you didn't tell
5 her about. Fair to say?

6 A She agreed to it afterwards, because she had agreed --
7 since we left and we separated in '97, that we would get a
8 divorce at some point.

9 Q I'm not asking -- you ended up getting divorce, you and
10 Afsenah got divorced?

11 A Yes.

12 Q That's not the question. The question is: When you went
13 to the Dominican Republic to get this divorce, Afsenah had no
14 idea you were going to the Dominican Republic to divorce her?

15 A That's right.

16 Q In connection with your marriage to Judy, did you have to
17 lie on a marriage certificate?

18 A I don't remember what was on the marriage certificate,
19 sir.

20 Q Did you have to represent to the marriage registry in
21 Hong Kong that you were a divorced person prior to December of
22 2000?

23 A I don't remember what I had to say about it.

24 MR. AGNIFILO: All right, I will show you what's for
25 identification being marked as DX1001.

LEISSNER - CROSS - AGNIFILO

1363

1 Q Do you have that on your screen there?

2 A Yes.

3 Q I'm just going to ask you to look down where it says
4 "conditions".

5 A Yes.

6 Q And it says --

7 THE COURT: Why don't you give him an opportunity to
8 review it, counsel.

9 MR. AGNIFILO: I'm sorry, Judge, yes.

10 Q Take your time. Look up when you're done looking at it.

11 A Yes.

12 Q Were you a divorced person at the time?

13 A No, sir.

14 Q So you agree with me this is a lie on your marriage
15 certificate with Judy Chan?

16 A Yes.

17 Q Now Judy comes from an influential family in China,
18 correct?

19 A I don't know what -- her family's not extremely
20 influential, no. She's well off, but not an influential
21 family.

22 Q Her father had substantial businesses in China?

23 A Yes, he had businesses.

24 Q There was a large winery that the family owned, correct?

25 A That's correct.

LEISSNER - CROSS - AGNIFILO

1364

1 Q At some point you meet someone named Rohana Rozhan,
2 right?

3 A Yes, sir.

4 Q Okay. And you said several times on your direct
5 examination that you wanted to be a hero at Goldman Sachs,
6 correct?

7 A Yes, sir.

8 Q You wanted to do big deals, the biggest deals that you
9 could, correct?

10 A That's right.

11 Q And the way that you get to be a hero at a place like
12 Goldman Sachs is you make deals that make the firm a lot of
13 money, correct?

14 A That is correct.

15 Q Now in 2001, Goldman Sachs was working on -- in an IPO
16 for a company called MAXIS, correct?

17 A That was in 2002, I believe, sir.

18 Q 2002?

19 And IPO is initial public offering, right?

20 A That's correct.

21 Q An initial public offering, just in the simplest of
22 terms, is when a company that's never sold shares to the
23 public sells shares to the public for the first time, correct?

24 A Yes, that's correct.

25 Q That's a very important step in the life of a company,

LEISSNER - CROSS - AGNIFILO

1365

1 because it means that the ownership of the company is, in
2 essence, going to be held by the public?

3 A Yes, that's correct.

4 Q And MAXIS was a phone company, a mobile phone company
5 owned by someone named Ananda Krishnan?

6 A That's right.

7 Q And you got to know Ananda in the connection with the
8 Maxus IPO, or did you know him before then?

9 A No, I got to know him as part of the Maxus IPO.

10 Q And Krishnan owned several companies, correct?

11 A That's correct.

12 Q In addition to Maxus he owned a company called Astro All
13 Asia?

14 A That's correct.

15 Q And in 2003, or about a year or two years after the MAXIS
16 IPO, there was an IPO for Astro All Asia; am I right?

17 A That's correct.

18 Q And you and Goldman Sachs are advising Astro on this very
19 important process of becoming a public company, right?

20 A Yes, that's right.

21 Q So Astro was a client of you and of Goldman Sachs?

22 A That's correct.

23 Q And Astro had a chief financial officer named Rohana
24 Rozhan, correct?

25 A That's correct, sir.

LEISSNER - CROSS - AGNIFILO

1366

1 Q And a chief financial officer is a very important
2 high-level position in a company, correct?

3 A That's correct.

4 Q And the CFO, the chief financial officer, is in charge of
5 the company's financial affairs?

6 A That's right.

7 Q And so Rohana Rozhan was in charge of Astro's financial
8 affairs as the CFO during the time of this IPO, correct?

9 A Yes, she was.

10 Q And you met Rohana, right?

11 A Yes.

12 Q And you met her around 2003?

13 A Yes.

14 Q And you and Judy are still married in 2003, correct?

15 A That's correct.

16 Q And you and Rohana started an affair, correct?

17 A Yes.

18 Q While she is the chief financial officer of Astro,
19 correct?

20 A That's correct.

21 Q And while Astro is a client of you and Goldman Sachs,
22 correct?

23 A Yes, sir.

24 Q And did you tell anyone in a position of leadership at
25 Goldman Sachs that you were having an affair with the Astro

LEISSNER - CROSS - AGNIFILO

1367

1 chief financial officer at the time that Goldman Sachs was
2 taking Astro public?

3 A I did have a conversation with a gentleman called Richard
4 Gnodde, who was the president of Goldman Sachs Asia.

5 Q And do you remember when that conversation was?

6 A It happened, I believe, in 2003 or 2004.

7 Q And what did you tell Mr. Gnodde?

8 A He told me that he was aware of our affair, and in his
9 opinion I should be careful about that. And I told him that I
10 was aware of that.

11 Q And you told -- and then you ended up speaking to a
12 number of people at Goldman Sachs about this because you were
13 questioned about it; fair to say?

14 A I don't remember any further questions other than the one
15 from Richard.

16 But, yes, you know, many people the Goldman Sachs
17 knew about my affair.

18 Q Do you remember someone named Rajiv Ghatalia?

19 A Yes.

20 Q Who was Rajiv Ghatalia?

21 A He was the head of investment banking.

22 Q Do you remember a conversation between you and Rajiv
23 Ghatalia where you told Rajiv Ghatalia that there was no
24 relationship between you and Rohana Rozhan?

25 MR. ROLLE: Objection.

LEISSNER - CROSS - AGNIFILO

1368

1 THE COURT: What's the basis, counsel?

2 MR. ROLLE: Your Honor, it calls for a hearsay.

3 THE COURT: Overruled.

4 You can answer.

5 A I don't remember that conversation, sir.

6 Q Do you remember speaking with Rajiv Ghatalia at all about
7 your relationship with Rohana Rozhan?

8 A No, it's so long ago. This is 2003. So we're talking
9 over 20 years ago. I don't remember that conversation.

10 Q Do you remember telling people at Goldman Sachs, anyone
11 at Goldman Sachs, that you had no relationship at all with
12 Rohana Rozhan?

13 A I had this conversation with Richard. And post that, I
14 don't remember, sir.

15 Q Did you tell Richard Gnodde you were not having a
16 relationship with Rohana Rozhan?

17 A It was a one-sided conversation, sir. He said I should
18 not have that relationship, or I should be at least careful
19 about that.

20 Q Did you tell is your wife, Judy Chan, that you were in an
21 affair with Rohana Rozhan?

22 A When, sir?

23 Q Let's stick to 2003.

24 Did you tell Judy Chan in 2003?

25 A No, sir.

LEISSNER - CROSS - AGNIFILO

1369

1 Q Did you tell Judy Chan in 2004?

2 A No.

3 Q Did you tell Rohana Rozhan that you were married to Judy
4 Chan?

5 A Yes.

6 Q When did you tell her that for the first time?

7 A I don't remember when I told her for the first time.

8 Q Do you think you told her in 2003 or 2004?

9 A Maybe.

10 Q Now how -- you and Rohana Rozhan were having serious
11 conversations about you marrying Rohana Rozhan, correct?

12 A That's right.

13 Q And when you and Rohana Rozhan were having these serious
14 conversations about the two of you getting married, were you
15 telling Rohana Rozhan you were already married to Judy Chan?

16 A Yes, because she wanted me to divorce Judy.

17 Q And, in fact, at one point you converted to Islam,
18 correct?

19 A That's correct.

20 Q Do you remember on November 24th, 2003, you converted to
21 Islam to marry Rohana Rozhan?

22 A I don't remember the date, sir.

23 Q Did you tell Judy Chan you were converting to Islam to
24 marry another woman?

25 A No, sir.

LEISSNER - CROSS - AGNIFILO

1370

1 Q Now at one point Rohana Rozhan was challenging -- you
2 were telling Rohana Rozhan that you were divorced from Judy,
3 correct?

4 A I was telling her I was getting divorced. I don't know
5 whether I lied to her along the way.

6 Q Do you remember showing her a fake divorce certificate?

7 A I don't remember that, sir.

8 Q You don't remember?

9 How many people have you shown fake divorce
10 certificates to?

11 A I don't know, sir.

12 Q You don't know. Could it be more than five?

13 A I don't think so.

14 Q And tell me how you go about making a fake divorce
15 certificate?

16 A Photoshopping it.

17 Q Let's go step by step. What's the first -- when you want
18 to make a fake divorce certificate, what's the first thing you
19 have to do?

20 A I think you get one off the internet.

21 Q So is that what you did?

22 A I don't remember the exact steps, sir, how I did it.

23 Q Tell us everything you do remember. Tell us everything
24 you do remember about how you make a fake divorce certificate.
25 Everything that you remember.

LEISSNER - CROSS - AGNIFILO

1371

1 A The only thing do I remember is getting the samples off
2 the internet.

3 Q So you got a sample off the internet, correct?

4 A Yes.

5 Q Does it matter where the divorce certificate is from?

6 A I don't remember, sir.

7 Q They're from courts, correct?

8 MR. ROLLE: Objection.

9 THE COURT: Basis?

10 MR. ROLLE: Basis of knowledge. He said he doesn't
11 remember, Judge.

12 THE COURT: Overruled.

13 You can answer.

14 A I actually don't remember.

15 And I don't know if these documents are from courts
16 or not. They are on the internet and they're available.

17 Q You understand they're official documents?

18 A Yes.

19 Q They're official and important documents that determine
20 the legal relationships between two people, correct?

21 A Yes, sir.

22 Q So when you get one off the internet, and you doctor it,
23 you're changing an official document. You understand that,
24 right?

25 A Yes.

LEISSNER - CROSS - AGNIFILO

1372

1 Q And so how do you go about changing it?

2 You get a divorce certificate off the internet,
3 what's the next thing you do?

4 A I don't remember. You just have to Photoshop it, sir.

5 Q I don't know what that is. Tell us how you Photoshop?

6 A You get a PDF document and you try to alter it by editing
7 it.

8 Q And is that what you did?

9 A I believe so, yes.

10 Q And when you say you "believe so," have you -- have you
11 Photoshopped and changed so many official documents that you
12 don't remember?

13 A No, this is a long time ago, sir. I don't remember how
14 exactly I took those steps.

15 Q Do you view it as a significant thing to do, to take an
16 official document and to forge it?

17 A Yes.

18 Q And you can't tell us how many times you've done that?

19 A Yes, sir.

20 Q You can't tell if it's more or less than five?

21 A It's less than five, I believe.

22 Q Is it more than three?

23 A I don't know, sir.

24 Q And tell us which women you presented this forged divorce
25 document to?

LEISSNER - CROSS - AGNIFILO

1373

1 A Which document? The one with Afsenah?

2 Q I'll take any one you want to start with.

3 What's the first time you ever forged a divorce
4 document?

5 A I remember that I gave Kimora a document like that.

6 Q Okay. Let's talk about that one.

7 When did you give Kimora a forged divorce document?

8 A In 2014.

9 Q And why did you give Kimora a forged divorce document?

10 A Because I wanted to get married to her.

11 Q And who were you married to?

12 A Judy.

13 Q And so how -- let's talk about the 2014 one, because
14 that's the most recent, right?

15 A Yes.

16 Q That's the last time that you forged a divorce document,
17 right?

18 A Yes.

19 Q Okay. So let's talk about that one.

20 How did you make that?

21 A Again, the statement way. A Photoshopping of the
22 document.

23 Q And where did you find it? You found it on the internet?

24 A I believe so, yes.

25 Q And the one that you forged to give Kimora, do you

LEISSNER - CROSS - AGNIFILO

1374

1 remember what the original document was, where it was from?

2 A No, sir.

3 Q Okay. So tell us how you forged the Kimora document.

4 Take us step by step so we understand what you did.

5 A Again, I took it off the internet, I believe, and put it
6 through a PDF edit function and made the changes that I
7 needed.

8 Q And what changes did you make?

9 A I don't remember exactly, sir.

10 Q And where -- where were you and Kimora when you presented
11 her with this forged divorce document?

12 A In California.

13 Q Where in California?

14 A In Beverly Hills.

15 Q In your house?

16 A Yes.

17 Q Tell us how it was?

18 You go up to her, and you have a forged divorce
19 document. What do you say?

20 A I don't remember, sir, what I said.

21 Q Isn't it significant that you are essentially lying to
22 Kimora, who wants to marry you and you want to marry, and are
23 presenting her with a forged divorce document?

24 A Yes.

25 Q Is there anything you can tell us about what that was

LEISSNER - CROSS - AGNIFILO

1375

1 like? What you said? What she said? Anything at all?

2 A No, I just gave the document. That was it.

3 Q You didn't say a word?

4 A I don't remember, sir.

5 Q And did she seem to believe that the document was
6 genuine?

7 A Yes.

8 Q And so at that point, you had fooled her; fair to say?

9 A I had misled her, sir.

10 Q Misled. You had misled her.

11 You had misled her by creating a fake divorce
12 document and leading her to believe that you were divorced.

13 A Yes.

14 Q When you were very much married, correct?

15 A Yes.

16 Q And what you were hoping was that she would rely on this
17 forged divorce document that you created and agree to marry
18 you?

19 A Yes.

20 Q And that's what happened?

21 A Yes, sir.

22 Q So that's just the last forged divorce document you make.

23 What was the one that you made before that?

24 A I can't remember what I -- what document I made before,
25 sir.

LEISSNER - CROSS - AGNIFILO

1376

1 Q Did you do them all the same way?

2 A I don't know. I don't know the answer to that.

3 Q You don't know the answer to that.

4 Tell us the other women you presented a forged
5 divorce document to?

6 A I don't remember that, too, sir.

7 Q You don't remember.

8 You don't remember if you presented a forged divorce
9 document to Rohana Rozhan?

10 A I don't remember that, sir.

11 Q And did you present a forged divorce document to Judy?

12 A I don't remember that either, sir.

13 Q You told the FBI about the forged divorce documents,
14 right?

15 Do you remember that?

16 A Yes, we did discuss that.

17 Q Which ones did you discuss with them?

18 A I don't remember, sorry. I believe the one for Kimora
19 for sure.

20 Q Okay. The one for Kimora.

21 Anything else?

22 A I don't remember, sir. You'd have to refresh me.

23 Q Do you remember creating a fake certificate of legal
24 capacity to contract marriage overseas in connection with your
25 marriage to Rohana Rozhan?

LEISSNER - CROSS - AGNIFILO

1377

1 A No, I don't remember that, sir.

2 Q I'm going to show you just for sake of recollection
3 what's been marked as DX2800.

4 What I'm going to ask you, just to -- does this
5 refresh your recollection at all as to whether you provided a
6 fake certificate of legal capacity contract to marriage
7 overseas?

8 A I don't remember this document, sir.

9 Q No.

10 Do you have any idea -- so we have not just false
11 divorce documents, do you have any idea how many times you
12 provided fake or forged divorce documents or marriage
13 documents in your life?

14 A No, I don't remember, sir.

15 Q I'm -- just for the sake of refreshing your recollection,
16 let's go to the second page of that document.

17 Do you remember preparing a document and then also
18 having to provide a passport?

19 A No, I don't remember this certificate, sir.

20 Q Now when you were on direct examination, and you were
21 asked to describe the London meeting. Remember the London
22 meeting?

23 A Yes, sir.

24 Q You remember you took an elevator up, right?

25 A Uh-huh.

LEISSNER - CROSS - AGNIFILO

1378

1 Q Remind the jury, describe for the jury what the apartment
2 was like at the London meeting?

3 A It was a -- the house was a -- a whitewashed house in
4 London. Right on Stratton Street. It had a doorbell and
5 little iron fence outside, and we had to go up in an elevator
6 to -- I don't know which floor, but a higher floor.

7 We entered, Roger and I entered. And there was a
8 living room as we came in that took us through and then at the
9 end there was a dining room.

10 Q And you can't tell us how many forged divorce documents
11 you made and gave to women in your life that you were supposed
12 to have loved? You can't tell us the number? Right?

13 A That's right.

14 Q And you can't tell us how many false divorce or marriage
15 documents you made in your life, right?

16 A Yes.

17 Q Now I think at one point -- you spent a lot of money on
18 Rohana, correct? Right?

19 A Yes.

20 Q What do you remember? Tell us -- tell us how much you
21 think you spent on Rohana in total?

22 A I don't remember numbers, sir.

23 Q No idea?

24 A I really don't. I wouldn't know, no.

25 Q You said you wouldn't know?

LEISSNER - CROSS - AGNIFILO

1379

1 A I gave her 10 million, as I testified last week. I had
2 joined the board with her and an apartment in London before.
3 And also one in Australia. Those are the things I recall.

4 Q And you forgot the Porsche. Did you forget the Porsche?

5 A I don't know if I bought that for her, sir.

6 Q When you say "that," the white Porsche?

7 A Yeah, I don't remember that, sir.

8 Q \$250,000, you don't remember?

9 A No.

10 Q So how many -- so how many houses are we talking in
11 total? What's the first house you bought for Rohana?

12 A Australia, I believe.

13 Q And when was that, about 2006?

14 A Maybe. I don't remember.

15 Q You don't remember.

16 And the second house you bought for Rohana, when was
17 that?

18 A That was also somewhat -- that was I think around 2000.
19 Maybe 2009, something like that. Somewhere in that area.

20 Q And where was that?

21 A In London.

22 Q All right. And then the last house that you bought for
23 Rohana was when?

24 A Well, I gave her money to buy a house. But the house
25 that I referred to last week for which I gave her \$10 million

LEISSNER - CROSS - AGNIFILO

1380

1 as part of threat to expose me, that was actually also
2 involved selling the first house in London for £3 million to
3 buy her a new house.

4 So there was no time we had two houses in London.

5 Q Right. So you what you just said now and what you said
6 last week is that you bought Rohana a 10 million-dollar house
7 because she threatened to expose you, correct?

8 A That's correct.

9 Q And this is 2013, correct?

10 A That's right.

11 Q Do you remember texting Rohana in 2013: "You are my
12 pillar and I will be coming back to you."

13 A No, I don't remember that, sir.

14 Q Do you remember texting Rohana in 2013: "She had a photo
15 shoot last night and I can't stand it."

16 A I don't remember that, sir.

17 MR. AGNIFILO: All right, we're going to take a look
18 at DX1150 and see if that refreshes your recollection.

19 (The witness is reviewing the document.)

20 Q These are chats between you and Rohana Rozhan, correct?
21 Right?

22 A Yes.

23 Q From 2013, correct?

24 THE COURT: Counsel, do you want him to review it?

25 MR. AGNIFILO: Yes, I'm sorry. Yes. Yes.

LEISSNER - CROSS - AGNIFILO

1381

1 Take your time. Take a look at it.

2 (The witness is reviewing the document.)

3 THE WITNESS: Judge, I -- should I read all of it?

4 MR. AGNIFILO: Read enough of it so that you know
5 whether or not these are chats between you and Rohana Rozhan?

6 MR. ROLLE: Objection, Judge.

7 THE COURT: You should review it to determine
8 whether or not it refreshes your recollection.

9 (The witness is reviewing the document.)

10 A Again, it only helps in the things that I've written
11 here, so...

12 Q Do you remember having chats with Rohana Rozhan in 2013?

13 A Yes.

14 Q And do you remember having chats with Rohana Rozhan in
15 September of 2013?

16 A I might have.

17 Q And do you remember saying to Rohana Rozhan in September
18 of 2013: "You are my pillar and I will be coming back to
19 you."

20 A I still don't remember those words.

21 Q Do you remember saying to Rohana Rozhan in 2013: "I will
22 come back to you. I have been divorced from Judy since 2009.
23 I'm going crazy now. One day it is K and now it is J again.
24 My goodness."

25 Do you remember that?

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1382

1 A No, I don't remember that.

2 Q If you go to the second page and look towards the bottom.
3 I'll ask you again if you remember saying that.

4 It's about a third of the way up from the bottom.

5 Specifically, I am asking you if you remember
6 saying: "I will come back to you. I have been divorced from
7 Judy since 2009. I am going crazy now, Ana. One day it's K,
8 now it is J again. My goodness."

9 A Again, I see what's written here, sir, but I don't
10 remember this conversation.

11 Q Okay, let's go to the top of page 3, and I'll ask you if
12 you remember this.

13 Do you see maybe a quarter of the way down, and I'm
14 going to ask you if you remember.

15 Do you remember --

16 THE COURT: Let him read it, counsel.

17 MR. AGNIFILO: Yes, yes. I'm sorry, Judge.

18 (The witness is reviewing the document.)

19 A What would you like me to focus on, sir?

20 Q If you remember saying to Rohana, about a quarter of the
21 way down: "Yes, my dear, she will be off to LA tonight. I'm
22 going to be in HK and then Singapore. I will head to LA for
23 the procedure later during the week. I will not be here."

24 Do you see that? I mean, do you remember writing
25 that?

LEISSNER - CROSS - AGNIFILO

1383

1 A No, sir, I don't. I just see what I see here right now.

2 Q Do you remember having this exchange with Rohana Rozhan
3 in September of 2013?

4 A I remember having exchanges of communications with her
5 but I don't remember this -- this chain of text messages in
6 particular.

7 Q And you agree that this is a chain of text messages that
8 were put into an email.

9 Is that what this is?

10 MR. ROLLE: Objection.

11 THE COURT: Sustained.

12 Q Do you remember having a chain of -- do you remember
13 having a chain of text messages sent by email from Rohana to
14 you?

15 A No, I don't remember that, sir.

16 Q You don't remember this -- this series of text messages
17 being sent to you?

18 A No, I don't.

19 MR. ROLLE: Asked and answered.

20 THE COURT: He already answered.

21 Q Was there some sort of medical procedure in September of
22 2013?

23 MR. ROLLE: Objection.

24 THE COURT: What's the basis, counsel?

25 MR. ROLLE: 401, Judge.

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1 THE COURT: Why don't you ask your next question and
2 we'll discuss it during a break.

3 BY MR. AGNIFILO:

4 Q You want this jury to believe that you bought Rohana
5 Rozhan a house because she was threatening you, correct?
6 That's what you told this jury?

7 A She did threaten me, sir.

8 Q That's not my question. My question is that: You bought
9 her a 10 million-dollar house because you're saying that she
10 threatened you, correct?

11 A Yes.

12 Q Isn't it the truth that bought her a 10 million-dollar
13 house because you were going to come back to her?

14 A No, sir.

15 Q Isn't it true that you're going to buy her a
16 10 million-dollar house because you didn't like going to
17 Kimora's photo shoots?

18 A No, sir.

19 Q Isn't it true that you bought her a 10 million-dollar
20 house because you didn't want to have to deal with Kimora on
21 the one hand and Judy on the other hand and you were going to
22 end up with Rohana? Isn't that why you bought her a
23 10 million-dollar house?

24 A No, sir. I was definitely going to be with Kimora. I
25 wanted to calm down a very upset lady. But, no, I was always

LEISSNER - CROSS - AGNIFILO

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1 going to stay with Kimora at that time.

2 Q When you say you were calming down an upset lady, what
3 are you talking about? Who are you looking to calm down?

4 A Rohana.

5 Q And so you were going to calm her down by buying her a
6 10 million-dollar house?

7 Is that what you're saying?

8 A No, sir, I already answered that question.

9 She was threatening to expose me regarding getting
10 bribes or kickbacks from the 1MDB transaction. That was the
11 reason I was giving her that money.

12 Q And what did -- what did you tell her about the 1MDB
13 transactions such that she had this information over you?

14 A I mentioned that last week. I only mentioned to her that
15 I had received money from those transactions.

16 Q When did you tell her that?

17 A In 2013.

18 Q Where were the two of you?

19 A I don't remember. I think in London, perhaps.

20 Q So you were in London.

21 And so why would you tell her -- why did you tell
22 her in 2013 that you got money from the 1MDB transactions?

23 Let's me guess. Roger told you?

24 MR. ROLLE: Objection.

25 MR. AGNIFILO: Withdrawn.

LEISSNER - CROSS - AGNIFILO

1386

1 Q Why did you tell her in 2013 --

2 THE COURT: Counsel.

3 MR. AGNIFILO: I apologize, Judge.

4 Q Why did you tell her in 2013 that you got money from
5 1MDB?

6 A I don't recall the reason I told her, but we were in a
7 close relationship, and I don't recall specific reason I told
8 her.

9 Q And when you say that she threatened you, what did she
10 actually say to threaten you?

11 A I don't exactly remember the threat, but she was upset
12 that I was with Kimora. She was upset in general, and she was
13 saying that after ten years of a relationship, she wanted at
14 least a house or being able to buy a house, because actually I
15 sent her the money to buy it. And that if I didn't do so, she
16 would expose my involvement with 1MDB and the money -- that I
17 had received money out of that transaction.

18 Q And so you bought her a 10 million-dollar house because
19 of that threat?

20 A Again, I didn't buy it for her, but I sent her the money
21 to buy it.

22 Q Isn't it true that she was upset only because she found
23 out about Kimora? She never threatened you about 1MDB.

24 A It is true that she was upset about Kimora. She did
25 threaten me about 1MDB.

LEISSNER - CROSS - AGNIFILO

1387

1 Q Tell us exactly what she said to threaten you about 1MDB?
2 Tell us exactly what she said?

3 A I don't know what the exact words, but she told me that
4 she was going to expose me and what I had done, that I
5 received money.

6 Q And at the time -- at the time she was the CEO of Astro?

7 A Yes, sir.

8 Q And for her to expose you, for her to say that she knows
9 that you got money, she would have to say that she has known
10 that for -- for a long time, correct?

11 A I don't know that would be the case, no.

12 Q And do you think -- did you take that threat seriously?

13 A Yes, I sure did.

14

15 (Continued on the following page.)

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LEISSNER - CROSS - AGNIFILO

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1 CROSS-EXAMINATION (Continued)

2 BY MR. AGNIFILO:

3 Q Do you remember talking to the FBI about this exact topic
4 on June 12, 2018?

5 MR. AGNIFILO: And this is TL-12 at page 36. We can
6 pull that up for the witness, once we pull it up, I'm going to
7 ask you a question.

8 MR. ROLLE: Objection, Judge. I don't believe there
9 is a failed recollection at this point, Your Honor.

10 THE COURT: You don't believe there is a what?

11 MR. ROLLE: I don't believe there has been a failure
12 to recall anything.

13 MR. AGNIFILO: Let me ask it differently.

14 Q You're telling us, Mr. Leissner, that Rohana threatened
15 to expose your involvement in 1MDB; correct?

16 A That I had received money, yes.

17 Q And that that's why you bought her the \$10-million
18 house?

19 A That's why I sent her the money, correct.

20 Q Do you remember telling the FBI that Rohzan threatened
21 Leissner that she would tell Simmons about the overlapping
22 marriages?

23 A That was another threat.

24 Q That was another threat?

25 A Yes.

LEISSNER - CROSS - AGNIFILO

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1 Q So were the threats made at the same time or two separate
2 threats?

3 A They were done at two separate times, yes.

4 Q And that you told the FBI that Rohzan called, texted, and
5 e-mailed Leissner these threats. She also accused Leissner of
6 emotional abuse.

7 You didn't tell the FBI anything on this occasion
8 about her exposing you to 1MDB; correct?

9 A I did tell the FBI in subsequent meetings that that's
10 what she had done. I don't remember -- I've never seen this
11 document before, so I don't know -- I didn't write this
12 document, sir, so I don't know what's here. But the fact is
13 she didn't threaten me to expose me with 1MDB and that's what
14 I was scared of.

15 Q I think you -- did you mention someone named Elia Geneid
16 in your direct examination?

17 A Yes.

18 Q And Elia Geneid was the niece of the Chief Minister of
19 Sarawak; is that correct?

20 A That's correct.

21 Q And the Chief Minister of Sarawak was Abdul Taib Mahmud?

22 A Yes, I believe.

23 Q And he's a very powerful Malaysian politician?

24 A Yes.

25 Q And in 2009, you converted to Islam for a second time,

LEISSNER - CROSS - AGNIFILO

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1 this time to marry Elia?

2 A That's correct.

3 Q And at the time you were married to Judy?

4 A Yes.

5 Q Did you tell Judy this time that you converted to Islam
6 to marry another person?

7 A No, sir.

8 Q And in May of 2009, you and Rohana were looking for a
9 place to have -- this is Rohana now -- were looking for a
10 place to have your wedding; correct?

11 A I don't remember that, sir.

12 Q You were engaged to Rohana; correct?

13 A I don't know if we formally got engaged.

14 Q Well, do you remember -- well, you had -- you had
15 converted to Islam; correct?

16 A That's correct, yes.

17 Q And you converted to Islam to marry Rohana; correct?

18 A Sometime in the future perhaps.

19 Q All right. And then you converted to Islam again to
20 marry Elia; correct?

21 A Again, sometime in the future perhaps.

22 Q Did you -- did you have an interest in being a Muslim?

23 A I didn't really mind one way or another which religion I
24 would take.

25 Q So you converted to Islam so you could marry each of

LEISSNER - CROSS - AGNIFILO

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1 these two women; correct?

2 A I did -- I did convert for the purposes of maybe getting
3 married to them in the future.

4 Q Maybe? You converted to Islam because maybe something
5 would happen, do I understand that right?

6 A That's right.

7 Q And at one point, were you not engaged to both Elia and
8 Rohana while you were married to Judy?

9 A There was no overlap in terms of engagement between those
10 two as far as I remember.

11 Q Now, when you were -- on the day that you converted to
12 Islam to be with Elia --

13 A Yes, sir.

14 Q -- do you remember telling Judy that you were going to
15 come back and be with her?

16 Wasn't Judy worried that you had other girlfriends.

17 A Yes, she was worried at times.

18 Q And isn't it fair to say that you lied to her about these
19 other women in your life?

20 A At different times, yes, but she also at some point got
21 to know about both of them.

22 Q She got to know about them, but for a long time you just
23 lied to her day, after day, after day; fair to say?

24 A Yes.

25 Q And you would lie to these women about the status of Judy

LEISSNER - CROSS - AGNIFILO

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1 as your wife; right?

2 A That's correct.

3 Q Day, after day, after day; right?

4 A For a long period of time.

5 Q Is it hard to keep all these lies straight?

6 A No, sir.

7 Q And how is it that you are able to keep all these lies
8 straight, that you are able to lie to Elia, you are able to
9 lie to Rohana, you are able to lie to Judy? How are you able
10 to keep it straight?

11 A Judge, I don't know if I have a position how to answer
12 that. I just did.

13 Q Okay. You just did.

14 And you're comfortable lying, fair to say.

15 A It's not a comfortable thing to do, no, sir.

16 Q You are comfortable enough lying that you make conscious
17 choices, where the only way to live with your choice is to lie
18 all the time; right?

19 A Sorry. Can you repeat the exact question you're asking.

20 Q Sure. Sure.

21 You would make conscious choices, for instance, you
22 would choose to be married to two women at the same time;
23 right?

24 A Yes.

25 Q That's a choice you made two separate times; right?

LEISSNER - CROSS - AGNIFILO

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1 A The first circumstances were different, but I made a
2 choice.

3 Q Two separate times?

4 A Yes.

5 Q In addition to being married to two different women at
6 the same time, you chose to be engaged to one woman and
7 married to another woman and you did that on two separate
8 occasions; correct?

9 A That's correct.

10 Q And, so, my question to you is you make these conscious
11 choices to make decisions in your life knowing that as a
12 result of the choice you would have to lie every day to people
13 who loved you; right?

14 A Yes, sir.

15 Q Did you feel badly that you were lying to Judy, that you
16 lied to Afsenah, that you lied to Rohana, that you lied to
17 Elia? Did you feel badly?

18 A Yes, I did.

19 Q Why did you do it?

20 A I regret that choice every day now. I don't know why I
21 did it. I just -- it was just the wrong choice at the time.

22 Q Do you think you're good at lying?

23 A I don't think so.

24 Q Do you think that you have practiced lying?

25 A I don't know what you mean with practice.

LEISSNER - CROSS - AGNIFILO

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1 Q Do you think -- do you think you lie more than most
2 people you know?

3 A No. I don't know that, sir.

4 Q It's fair to say that you've lied a great deal in your
5 life; correct?

6 A That's correct.

7 Q And you've lied about matters of tremendous consequence;
8 right?

9 A Yes, sir.

10 Q You've lied -- and you have lied and you have caused
11 people to rely on you and to trust you; right?

12 A I've lied a lot, sir, and I have regretted those choices
13 all the time. Yes, I have.

14 I have turned over a chapter and I'm not proud of
15 those times.

16 Q And you understand that when you lie to someone that
17 you're their only husband, there's a level of trust that comes
18 with marriage that you don't have when there's not a marriage,
19 fair to say?

20 A That's correct.

21 Q Marriage is a relationship, the heart and sole of which
22 is trust; right?

23 A That's correct.

24 Q And this -- you wanted this trust? You wanted Judy to
25 trust you, like you were her only husband; right?

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1 A Yes.

2 Q And you wanted -- you wanted Kimora to trust you like you
3 were her only husband slight?

4 A That's right.

5 Q You wanted all of these women who you told you were their
6 only husband to trust like you were their only husband;
7 correct?

8 A Yes.

9 Q And you got their trust, didn't you?

10 A Yes, I did.

11 Q You got what you wanted through lying, fair to say?

12 A Yes.

13 Q And you know you hurt all of those people?

14 A Yes, I greatly regret that, sir.

15 Q But you didn't stop it? You didn't stop it? You lied to
16 Afsenah and Judy in 2000; right?

17 A Yes.

18 Q Right?

19 A Yes.

20 Q You lied to Judy and Elia in 2006 or '7; correct?

21 A Yes.

22 Q You lied to Rohana and Judy for over a 10-year period of
23 time; right?

24 A No. Judy knew from 2005 onwards that I was having an
25 off-and-on relationship with Rohana.

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1 Q She didn't know you converted to Islam?

2 A No, she did not know that. That's correct.

3 Q Have you ever told her?

4 A I might have.

5 Q When do you think you told her?

6 A I don't know, sir.

7 Q But you also might not have told her?

8 A No. She knows now that I have.

9 Q Well, she certainly knows now; right?

10 A Over the last few years.

11 Q And, so, fair to say you have lied a great deal in your
12 life to some of the people closest to you in your life; right?

13 A Yes, sir.

14 Q And you know that by lying the way you did you hurt them?
15 You hurt them all; right?

16 A And I regret this every moment, sir.

17 Q But my question is not that you regret it or don't regret
18 it. You knew as the lies are tripping out of your mouth, you
19 know you are hurting these people and you're doing it anyway;
20 right?

21 A Yes, sir.

22 Q Because you are getting something that you want from the
23 lie; right?

24 A Yes, sir.

25 Q And even though you know you are hurting them, you

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1 continue to tell lies because its good for you, even though
2 it's bad for them; right?

3 A Yes, sir.

4 MR. AGNIFILO: Judge, we are at transition point.
5 This is a decent place to stop.

6 THE COURT: Members of the jury, we will break for
7 lunch. We'll do 45 minutes and then come back and sit until
8 3:30.

9 Please remember do not discuss the case with
10 anybody. We will see you at 1:45.

11 (Jury exits the courtroom.)

12 (Witness steps down.)

13 THE COURT: Please be seated.

14 Can you close the door, Pierre.

15 Mr. Rolle, you wanted to discuss documents.

16 MR. ROLLE: Your Honor, we took Your Honor's advise
17 and conferred. I think we understand what the documents are.
18 So I think we're all set.

19 Should there be an objection in terms of admission,
20 we will raise it at the time, but I think we understand what
21 the documents are.

22 THE COURT: Okay.

23 And Mr. Agnifilo, you wanted to discuss a procedure
24 that the Government objected to. Do you want to be heard on
25 that.

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1 * Proceedings MR. AGNIFILO: Honestly -- I'm sorry,
2 Judge?

3 THE COURT: You raised a question about a procedure
4 and the Government raised an objection.

5 MR. AGNIFILO: Oh, about a procedure.

6 THE COURT: Yes.

7 MR. AGNIFILO: We'll talk to the Government. We'll
8 see -- we'll figure it out.

9 THE COURT: Okay. I will see the parties at
10 quarter --

11 MR. ROLLE: I'm sorry, Judge.

12 THE COURT: Yes.

13 MR. ROLLE: The only other evidentiary point we've
14 raised, and I objected as to failed recollection, but in
15 general, for the refreshing of recollection through the
16 messages, the way that it's being done is simply a way around
17 the extrinsic evidence bar on collateral matters to impeach
18 the witness.

19 I understand text messages may pose a challenge, but
20 I think counsel is able, certainly, to ask general questions
21 about conversations he may have had in an attempt to refresh
22 the witness' recollection through the e-mail or the text
23 message, but the manner in which it was done, it was very
24 clear to -- the point was to make it clear to the jury there
25 was this extrinsic evidence , they weren't seeing these

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1 things, which was a backdoor, I believe, around the bar under
2 608, Judge.

3 THE COURT: That the Government did not object, and
4 you are absolutely correct, refreshing recollection requires
5 you to give the document to the witness, to ask the witness a
6 general question, allow the witness to refresh or not, and if
7 the memory is not refreshed by the document, that's the end of
8 it. But you are getting around that by specifically reading
9 what's on the document and highlighting for the jury what it
10 is you're reading from.

11 MR. AGNIFILO: Judge, I do have to say I don't think
12 that his protestations of lack of recollection are genuine,
13 and I think the only way to make that point is to try to -- is
14 to direct his attention at certain specific things.

15 THE COURT: And it's okay to do that. You can
16 highlight the document and give it to him and let him focus in
17 on specifically where in the document you want him to focus in
18 order to attempt to refresh his recollection.

19 But by simply reading the document to him, first,
20 marking the document, making it clear to the jury that you're
21 reading from a document, reading it to him as the question,
22 right, you're not really trying to use this document for
23 purposes of refreshing this witness' recollection; you're
24 putting this evidence before the jury.

25 MR. AGNIFILO: So what I will do, Judge, is I'll ask

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1 him the question do you recall saying this?

2 THE COURT: Correct.

3 MR. AGNIFILO: And if he says no, I'll show him the
4 document.

5 THE COURT: Show him the document and highlight the
6 specific area of the document where you want him to focus to
7 see if it refreshes his recollection.

8 MR. AGNIFILO: Very good, Judge.

9 MR. ROLLE: Your Honor, our only point on that, I
10 believe given the type of document, counsel was reading
11 specifically the text message, I agree with the procedure. I
12 think counsel can ask a generalized question about the
13 conversation he is inquiring about: Do you recall speaking to
14 Ms. Geneid about XYZ?

15 But reading the syntax is the same as putting the
16 document in in our view, Judge.

17 THE COURT: As long as he has a good-faith basis for
18 asking that question, he can.

19 And, so, the question can contain the answer from
20 the text itself and counsel can use that language to say do
21 you recall telling so-and-so ABC. He can say that. But
22 there's nothing that prevents him from doing exactly that.

23 MR. ROLLE: Understood. I think that --

24 THE COURT: What raises the issue is the fact
25 counsel is highlighting for the jury that he is, in fact,

1 reading an actual document or whatever it was the exchange was
2 between the --

3 MR. ROLLE: Yes, Judge.

4 THE COURT: But counsel has the right to ask a
5 question based on what's in those messages.

6 MR. ROLLE: Understood, Judge. So we'll object
7 accordingly, and we understand Your Honor's ruling.

8 THE COURT: All right. I will see the parties at a
9 quarter to.

10 (Lunch recess.)

11 (Continued on next page.)

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1402

1 AFTERNOON SESSION

2 (In open court; jury not present.)

3 THE COURT: You can bring in the jury.

4 (Witness takes the witness stand.)

5 (The jury enters the courtroom.)

6 THE COURT: Please be seated, everyone.

7 You may continue, Mr. Agnifilo.

8 MR. AGNIFILO: Thank you, Your Honor.

9 CROSS-EXAMINATION (Continued)

10 BY MR. AGNIFILO:

11 Q Mr. Leissner, we are going to go through some e-mails and
12 some more Goldman Sachs-related correspondence and we are
13 going to start with an exhibit that is already in evidence as
14 DX1501.

15 MR. AGNIFILO: If we could just pull that up for the
16 witness and for the jury. All right.

17 I think that's in front of everybody now.

18 Q Mr. Leissner, do you see what's in front of you?

19 A Yes, sir.

20 Q Just tell us what it is.

21 A It is a meeting invite. Sorry. It's an acceptance of a
22 meeting invite by my assistant.

23 Q Okay. And it indicates that it is in regard to Jho Low,
24 the meeting is with Jho Low, the Wynton Group?

25 A That's correct.

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1 Q Do you know if this meeting invite ends up being in sort
2 of the Goldman Sachs system?

3 A Yes, sir. I believe so.

4 Q All right. We're going to go to the next one, which is
5 in evidence as Government Exhibit 1502.

6 Same question in regard to this. This is in regard
7 to another meeting invite; correct?

8 A Can we just blow that up.

9 Q I'm sorry. Take your time.

10 THE COURT: It's on the system. You just need to
11 make it a little larger.

12 THE WITNESS: Thank you.

13 A Yes. That's correct.

14 Q All right. So that's a meeting invite with Jho Low of
15 the Wynton Group; correct?

16 A Correct. Yes.

17 Q And this particular meeting is at the Ritz Carlton, the
18 Marina lounge; right?

19 A Yes.

20 Q Okay. I know you talked about this on direct examination
21 a little bit. Just so that the jury understands. At some
22 point -- tell me if this is the way you remember it. At some
23 point in late 2008, you and Roger got an e-mail from someone
24 at Goldman Sachs, someone else in Goldman Sachs that -- that
25 TIA, the State of Terengganu, was going to be creating a fund?

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1 A That may be the case. Yes. Perhaps.

2 Q Okay. All right. Tell me if you remember it this way.

3 In essence, you're in investment banking at the time?

4 A Yes.

5 Q Had you ever been in any other division at Goldman Sachs?

6 A I had been in the executive office for a year and a half.

7 Q Okay. And when were you in the executive office?

8 A From 2000 to 2001.

9 Q Okay. And other than that, you have been in investment
10 banking the whole time?

11 A That's correct.

12 Q All right. And if you covered this, I just ask you to do
13 it again. The different divisions in Goldman Sachs, what does
14 investment banking do?

15 A Investment banking, largely deals with corporates,
16 Governments, institutions on their strategic activities,
17 meaning there's mergers and acquisitions, that advise on
18 transactions that would acquire or divest companies or merge
19 them. There's capital raising, which is either debt or
20 equity.

21 And those are the main components I would say of
22 investment banking.

23 Q Now, at one point -- now, Roger was in investment banking
24 during this time period, in 2009; correct?

25 A That's correct, yes.

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1405

1 Q And then he went to the securities division in 2010;
2 correct?

3 A Yes.

4 Q All right. And just tell us, to the extent that you
5 know -- you were never in the securities division?

6 A That's correct.

7 Q But fair to say you basically know what they do?

8 A Yes.

9 Q Okay. Just tell the jury what they do.

10 A The securities division deals with institutional clients
11 largely, trading, whether it's fixed income, equities,
12 commodities and the like, for our clients, which are
13 institutions, or on behalf of Goldman Sachs.

14 Q Okay.

15 A Roughly.

16 Q And when you are in investment banking, there's a
17 requirement, is there not, to indicate sort of Goldman Sachs'
18 system if you're having meetings with external parties,
19 potential clients and the like; is that right?

20 A That's correct, yes.

21 Q Do you know if that same requirement exists in the
22 securities division?

23 A I don't know if that requirement exists.

24 Q But it does exist in investment banking?

25 A That's correct.

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1406

1 Q So, let's -- getting back to 1502 for a second, which we
2 have up on our screen, if you can see it -- oh, it's not on
3 the screen.

4 THE COURT: Mr. Agnifilo, just remember to slow down
5 so the court reporter can keep up.

6 MR. AGNIFILO: I will do that. I apologize.

7 Q You can see that okay?

8 A Yes.

9 Q Okay. Again, it's a meeting invitation. It goes on to
10 the Goldman Sachs system; correct?

11 A Yes, sir.

12 Q And, so, it would be on the system that there is this
13 meeting from Jho Low from the Wynton Group on January 4th and
14 this is a meeting at the Ritz Carlton?

15 A Correct.

16 Q Okay. So, at this point in time, in early January 2009,
17 you and Roger are pursuing the possibility of business from
18 this TIA that is creating this fund; correct?

19 A Roger was pursuing this at the time. If you're talking
20 about the time of this meeting, Roger was in the pursuit of
21 that business.

22 Q Okay. And -- and this was because the -- the Sultan of
23 Terengganu was creating a monetary fund; correct?

24 A Yes. That's correct.

25 Q Okay. And I think you explained this, but it's not

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1407

1 something everyone knows. The Malaysia works, there's a Prime
2 Minister and there's a King?

3 A That's correct.

4 Q Okay. And the Prime Minister is elected; right?

5 A Yes.

6 Q And then the King rotates as the heads of the different
7 states of Malaysia?

8 A That's correct, sir.

9 Q And the Sultan of Terengganu, it was his turn in the
10 rotation to be the King?

11 A That's correct.

12 Q All right. So, essentially, the King is creating this
13 fund in the State of Terengganu?

14 A Yes, that's correct.

15 Q And the idea was that Goldman was going to try and get
16 that business, correct, to advise the fund?

17 A We were trying to get the business in the sense of
18 advising on the set up of this fund.

19 Q Correct. Okay.

20 And the advisor to the King, the advisor to the
21 Sultan of Terengganu or the King of Malaysia at the time was
22 none other than Jho Low; correct?

23 A He was one of the advisors. He was a member of the
24 council of advisors to the King.

25 Q All right. And this was a choice that the King made;

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1 right?

2 A I actually don't know who made the choice for him.

3 Q Right. But neither you or Roger made the choice that Jho
4 Low should be the person that's the representative of the
5 King?

6 A That's correct.

7 Q All right. This -- Jho Low is the person that you guys
8 had to deal with if you wanted to pursue this business, fair
9 to say?

10 A Yes. It was my understanding, certainly from
11 conversations with Roger, that Jho was the key person and it
12 became very apparent, as we discussed last week, that he, in
13 fact, was the key person, or he headed decisions around the
14 TIA and then later on 1MDB.

15 Q Right. And, now, have you yourself ever met the Sultan
16 of Terengganu?

17 A As part of this process, I met the King once, yes.

18 Q Okay. And fair to say -- tell me if this is right: The
19 King has advisors so that the King doesn't have to sort of
20 have his hand in all these things directly, fair to say?

21 A I'm not so sure, sir.

22 I think the council was really meant as a body to
23 help him make a decision. Ultimately it was my understanding
24 it was his decision.

25 Q It's his decision, but the King has people who are going

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1 to be sort of the people who are dealing with Goldman Sachs
2 and other things in the creation of this fund and who's going
3 to end up providing financial advice to this fund?

4 A He had the council to help him make the decision to
5 select the advisor.

6 Q Very good. Okay.

7 So let's go to the next-- this is another Government
8 Exhibit in evidence. It is 1505. And I will let you take the
9 time to get that in front of you.

10 Can you see that okay?

11 A Yes.

12 MR. AGNIFILO: Can you make it a little bigger.

13 Q You can see that okay?

14 A Yes, sir.

15 Q All right. So this indicates -- this is from Roger;
16 correct?

17 A That's correct.

18 Q And it's to Jho Low and it's copying you; right?

19 A Yes.

20 Q Now, at this point in time, in early January 2009, you're
21 effectively Roger's boss; right?

22 A Yes. Correct.

23 Q Okay. And how long had you been Roger's boss?

24 A I don't know when Roger went from debt capital markets to
25 investment banking, but it was several years.

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1410

1 Q Okay. And it indicates that Roger had a meeting with
2 Low; correct?

3 A Yes.

4 Q And then -- there's five different topics that are laid
5 out in this e-mail. And the first is Genting Sanyen oil and
6 gas assets. Do you see that one?

7 A Yes, sir.

8 Q Do you remember what that was?

9 A Genting had a number of oil and gas assets and held by
10 this entity, I believe, and we had been pursuing that business
11 for a while.

12 Q Got it.

13 Now, the second one is TIA and that's the one that
14 we've been talking the most about during this trial; correct.

15 A Yes.

16 Q All right. TIA -- Roger writes for TIA, "We will pull
17 together some materials and experiences of other sovereign
18 wealth funds and can explore the idea of managing the
19 commodity price risk to enhance to the fundraising that TIA
20 will be doing."

21 Can you just tell us what that means.

22 A The first part of the -- of that sentence refers to
23 any -- sorry -- any experience Goldman Sach had in advising
24 sovereign wealth funds. Sovereign wealth funds are funds
25 owned by the state to manage excess capital that the -- that a

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1 country has.

2 The second part, and can explore the idea of
3 managing commodity price risk to enhance fundraising,
4 essentially means that Terengganu, which had some oil and gas
5 reserves, may be able to finance itself by putting on somewhat
6 complex financing transactions that allow it to raise more
7 money than it would otherwise -- could otherwise do itself;
8 if, for example, Goldman Sachs were to take oil as a
9 commodity, we were able to finance that. So it's a -- it
10 describes a complex financial transaction.

11 Q Okay. So suffice it to say, there are sort of five
12 independent sort of lines of business that are being outlined
13 in this e-mail; true?

14 A Yes, sir.

15 Q Okay. And the idea is that it's Roger's job, being in
16 investment banking, to try to kind of -- as you guys use the
17 word chase, kind of chase down this business; right?

18 A That's correct.

19 Q All right. So fair to say Roger's doing his job in this
20 e-mail?

21 A Yes, he is.

22 Q I'm going to ask you --

23 MR. AGNIFILO: We're going to mark this for
24 identification. It's not in evidence, I don't believe. It's
25 Government Exhibit 1509-004. Does that make sense? Oh, I'm

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1 sorry. It is page 4 of 1509.

2 I'm just going to ask you to pull that up so you can
3 see it, but it's only for the witness, the parties and the
4 Court.

5 Q You can see it okay?

6 A Sorry. Not yet.

7 I see the document, but, okay, now it's larger.
8 Sorry.

9 Q All right.

10 A You said page 4?

11 Q No, no. You should be looking at it. I'm sorry. Hold
12 on. Yes. You're looking at the right thing.

13 A Okay. Sorry.

14 Then, yes.

15 Q And this is an e-mail from you; correct?

16 A Yes.

17 Q And it's a continuation of some of the e-mails we just
18 looked at; correct?

19 A Yes.

20 MR. AGNIFILO: We offer it, Your Honor.

21 THE COURT: It's admitted.

22 I assume there is no objection.

23 MR. ROLLE: No objection. We just want to see if
24 this is one page of the whole document. We just don't know.
25 But we have no objection.

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1 THE COURT: Can you scroll up and down the document
2 please.

3 MR. AGNIFILO: I believe the whole document is three
4 pages.

5 MR. ROLLE: No objection, Judge.

6 THE COURT: It's admitted.

7 (Government Exhibit 1509, was received in evidence.)

8 MR. AGNIFILO: Okay.

9 Q And this is an e-mail from you. It's to Jho Low. It's
10 to Roger, and it has a number of other people there. Do you
11 see that?

12 A Yes, sir.

13 Q Okay. And this is just you saying Jho and team, it's our
14 pleasure, indeed, and look forward to a great partnership on
15 some of these projects and others that we can up with over
16 time. I'm very excited and our team in Singapore is ready to
17 help with you."

18 Do you see that.

19 A Yes, sir.

20 Q The team in Singapore, who's the team in Singapore at
21 this point in time, in January of 2009?

22 A It's our investment banking team in the Singapore office.

23 Q Okay. And who are some of the -- how large was the
24 Singapore office, the investment banking team in the Singapore
25 office at that time?

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1414

1 We're just talking about--

2 A Roughly 20 people, I'd say.

3 Q I missed the number.

4 A 20 people.

5 Q Okay. And how many of those 20 people are partners and
6 how many people other than partners?

7 A In the investment banking team in Singapore, I was the
8 only partner. And Roger was an MD. Boon-Kee was an MD.
9 Chong Lee was an MD. So that's three.

10 Maybe one or two more for the various markets.

11 So I think the Indonesia coverage banker was an MD
12 as well.

13 And then we had head of M&A. I don't know at that
14 time.

15 So let's call it five MDs and the rest were junior
16 bankers.

17 Q Very good.

18 All right. So, moving forward, this is another
19 Government Exhibit already in evidence. This is 1511. We are
20 going to pull that up. We're going to look at the top. This
21 is already in evidence. Just look at that top e-mail there.

22 Okay. All right. And it's basically Roger saying
23 to the rest of the people on the e-mail scheduling a meeting;
24 correct?

25 A Yes. It refers to a meeting set up, that's right.

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1415

1 Q Okay. Fair to say part of what Roger did, Roger's in the
2 details on the deals, like that e-mail we looked at a few
3 minutes ago with the five different pieces of business on it;
4 right?

5 A Well, he -- yes, he was summarizing those business
6 opportunities.

7 Q Right. And he's putting -- scheduling a meeting here;
8 correct?

9 A He's scheduling a meeting.

10 MR. AGNIFILO: All right. Next, this is another
11 Government Exhibit. I don't believe this is in evidence yet,
12 so we can't show it to the jury. It is 1507 for
13 identification.

14 Q Just tell me when you can see that.

15 A Yes, sir.

16 MR. AGNIFILO: Your Honor --

17 Q And you're -- you're listed as one of the actual
18 attendees on this document?

19 A Yes, sir.

20 MR. AGNIFILO: It's a government exhibit, but we
21 offer it as 1507.

22 MR. ROLLE: No objection.

23 THE COURT: It's admitted.

24 (Government Exhibit 1507, was received in evidence.)

25 Q Again, this is another sort of meeting notification.

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1416

1 It's put into the Goldman Sachs' system; correct?

2 A That's correct.

3 Q Okay. So it's very clear, it's in the Goldman Sachs'
4 system that this is a meeting with Jho Low from Wynton Private
5 Equity Group and this is a meeting dated January the 6, 2009;
6 correct?

7 A That's correct.

8 MR. AGNIFILO: All right. All right. We're going
9 to go on to the next exhibit, which is already in evidence.
10 It's Government Exhibit 1514. So it's already in evidence.
11 We're going to pull that up for the witness, the jury and the
12 parties.

13 And we're going to look at that top e-mail. There
14 we go. You can see it.

15 Q So we went over this on direct examination. This is the
16 one from Casey Tang, right? Do you see that? He's the sender
17 of the e-mail?

18 A That's correct.

19 Q And it says, "I think it is best to get Jho involved at
20 every stage"; correct?

21 A That's correct.

22 Q All right. At this point in time, Casey Tang is one of
23 Low's employees, isn't he?

24 A That's correct.

25 Q What he's basically saying here, Casey Tang, Low, my

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1 employee -- I mean, my employer, the person I work for, you
2 have to make sure he's involved in every stage?

3 A Yes, but he should be involved in every stage of Project
4 Tiara. It wasn't Jho Low's business. It was the set up of
5 the TIA.

6 Q I'm not sure -- let me ask you a different question. So
7 this -- this is -- what was Project Tiara?

8 A The set up of the TIA.

9 Q Okay. So -- and Low is one of the advisors to the King;
10 right?

11 A That's correct.

12 Q Casey Tang is not one of the advisors to the King?

13 A That's correct.

14 Q And, so, what Casey Tang is saying here, I think it is
15 best to get Jho involved at every stage; correct?

16 A That's right.

17 Q All right. And then there are meetings -- there are
18 meetings between sometimes Roger and Low without you,
19 sometimes you and Roger and Low in the early part of January
20 2000; correct?

21 A That's correct. Yes. That's what I remember, yeah.

22 Q And is this -- is this -- if there's such a thing, is
23 this typical when the investment banking division of Goldman
24 Sachs is kind of chasing down, you know, a potential new
25 matter?

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1418

1 A You mean meetings with potential clients?

2 Q Yeah.

3 A Yes.

4 Q And you yourself, I mean, you are -- you were a very
5 successful investment banker; correct?

6 A Yes.

7 Q And while you were an investment banker?

8 A Yes.

9 Q And part of the way you were successful is you -- you
10 met with potential clients; right?

11 A That's correct, sir.

12 Q You were a very busy person? You were flying all over
13 the world having meetings for many, many years; correct?

14 A That's correct.

15 Q Okay. So the fact that there's all these meetings in the
16 early part of January with Low is not in the least bit
17 unusual; correct?

18 A It's not unusual, sir, no.

19 Q Okay. All right. The next exhibit is not in evidence
20 yet. It is DX 1002 for identification, and this is an e-mail
21 sort of continuing the chain that you're copied on.

22 So I'll wait for it to come up.

23 I'm asking you to look at sort of that top e-mail
24 for the time being.

25 A Yes, sir. I see it, sir.

LEISSNER - CROSS - AGNIFILO

1419

1 Q You're copied on this e-mail?

2 A Yes, sir.

3 MR. AGNIFILO: Your Honor, we offer it.

4 MR. ROLLE: No objection.

5 THE COURT: It's admitted.

6 (Defense Exhibit 1002, was received in evidence.)

7 MR. AGNIFILO: Okay.

8 Q So, just looking at this top e-mail, that is someone from
9 Mark Machin?

10 A Mark Machin was a senior partner within the investment
11 bank who ran the investment bank for a while and also, I
12 believe, had become, at some point, a co-president for Asia.
13 He was a very senior partner.

14 Q Okay. And Mark Machin is getting this e-mail and you are
15 copied on this e-mail from Boon-Kee Tan; right?

16 A That's right.

17 Q I think you said Boon-Kee Tan was an MD, managing
18 director in investment banking?

19 A That's right.

20 Q And below it, we see an e-mail that has a lot of
21 different peoples' names on it? Do you --

22 A Yes.

23 Q -- see that?

24 Starting with David Ryan -- actually starting with
25 Boon-Kee Tan and then David Ryan.

LEISSNER - CROSS - AGNIFILO

1420

1 A Yes.

2 Q I just want to go through some of these people. And the
3 reason I want to go through some of these people is, I want
4 you to go for a minute to the second page, the middle of the
5 second page, okay. We're going to see Terengganu State
6 Authority. Do you see that sort of in the middle there,
7 Terengganu State Authority?

8 A Yes, sir.

9 Q Okay. And so Terengganu State Authority, TIA, that's the
10 project we're talking about?

11 A That's correct.

12 Q Okay. And it indicates that this is a commodity-linked
13 securitization, met TIA advisors, Wynton -- the Wynton Group;
14 correct?

15 A That's the reference to Wynton Group.

16 Q Okay. The same Wynton Group that in the prior calendar
17 entries, you say Jho Low Wynton Group, same Wynton Group?

18 A The same one.

19 Q Very good.

20 Now, let's go back to that first page. So all of
21 the people here are getting the e-mail of TIA and the Wynton
22 Group and the first one is David Ryan.

23 A Correct.

24 Q Who is David Ryan?

25 A David was -- in 2009, I'm not sure what his position was,

LEISSNER - CROSS - AGNIFILO

1421

1 but he had been the co-president of Goldman Sachs Singapore
2 with myself and then he later became the president for Asia as
3 well.

4 Q And then Mark Machin, you described already?

5 A Correct.

6 Q Ravi Sinha?

7 A He was one of the co-heads of investment banking.

8 Q Okay. Is it Johan Leven?

9 A That's right.

10 Q And who's he?

11 A He was the head of the M&A for Asia at that time.

12 Q Dan Dees?

13 A He was at some point the head of the capital markets
14 group and then co-head of investment banking.

15 Q Alex Schrantz?

16 A Head of corporate finance for Asia at that time.

17 Q Is that Douglas Feagin?

18 A Correct. He was the head of the financial institutions
19 in Asia at the time.

20 Q Richard Campbell-Breedan?

21 A The head of M&A as well for Asia.

22 Q All right. Then we go to the people who are copied.

23 The first one is yourself.

24 A Yeah.

25 Q The second one is Hsin Yue Yong?

LEISSNER - CROSS - AGNIFILO

1422

1 A Correct.

2 Q Who is that?

3 A She was an MD in the investment bank, but as I described
4 last week, she also sat in between private wealth and
5 investment banking.

6 Q Cameron Poetzscher?

7 A He was the head of M&A for Southeast Asia.

8 Q Raghav Maliah?

9 A He was the head of the T&T group for Asia, meaning the
10 technologic and telecommunications group.

11 Q Jane Lah?

12 A Jane Lah was in Andrea Vella's group -- she was the
13 Andrea Vella group in structure in capital markets.

14 Q Udhay Furtado?

15 A He was in capital markets for Southeast Asia.

16 Q Pooja Grover?

17 A I believe at that time she was kind of like the chief
18 admin officer for investment banking in Asia.

19 Q Ronan McCullough?

20 A Debt capital markets for Asia, Southeast Asia, rather.
21 Sorry.

22 Q Michael Smith?

23 A He was head of real estate in Asia.

24 Q Jason Tsang?

25 A The CFO for Asia --

LEISSNER - CROSS - AGNIFILO

1423

1 Q Sulian --

2 A -- investment banking. Sorry.

3 Q Sorry. Sulian Tay?

4 A Oh, she was the head of the energy and power group in
5 Asia.

6 Q Yuwen Huang?

7 A The kind of the CFO for Southeast Asia.

8 Q Chong Lee Tan?

9 A At that time he was the head of investment banking for
10 Southeast Asia or the coverage team.

11 Q And Terence Lim?

12 A Terence Lim was a junior banker.

13 Q Okay. So, I understand we have a couple of junior
14 people, like Terence Lim, but for the most part, this is a
15 fairly high-level group in the investment banking division,
16 fair to say?

17 A That's fair, yes.

18 Q And is anyone here not in the investment banking group?
19 You went through there are a number of people that are not in
20 investment banking; correct?

21 A I actually think all of them were within the investment
22 bank.

23 Q They were all in investment banking?

24 A I think so, yes.

25 Q Okay. Next exhibit -- well, let me back up a second.

LEISSNER - CROSS - AGNIFILO

1424

1 In 2009, had you leaked the information to a news
2 reporter?

3 A I don't know the timing of me speaking to the press. You
4 have to refresh me which topic you're talking about.

5 Q So was there someone name Sameera Anand?

6 A Yes.

7 (Continued on next page.)

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LEISSNER - CROSS - AGNIFILO

1425

1 CROSS-EXAMINATION (Continued)

2 BY MR. AGNIFILO:

3 Q Tell us about the Sameera Anand situation.

4 A She had been a dear friend of mine for many years. From
5 when I was employed at J.P. Morgan, she was at the joint
6 venture that J.P. Morgan had in India at the time. She had
7 taken many different paths after that and ended up at a
8 publication in Asia called Finance Asia. She was a reporter
9 at Finance Asia.

10 When I was promoted into a position called the head
11 of the IBS group, the Investment Banking Services group in
12 Asia which represented all the client coverage people at the
13 time, Goldman Sachs had an internal memo that went out to the
14 investment bank announcing this particular appointment of
15 mine. Because I was very proud of my achievement I didn't
16 think of it and I forwarded it to her as my friend to show
17 her, look, I was promoted. That was a breach of policy at the
18 time because we weren't supposed to communicate with the press
19 without our press team involved.

20 Q And Sameera Anand published it?

21 A She did, yes.

22 Q And Goldman Sachs found out that you were the one that
23 leaked this information to sa mere a none; correct?

24 A It wasn't a leak. It was me inadvertent sending out
25 information without press -- the press team.

SN

RPR

OCR

LEISSNER - CROSS - AGNIFILO

1426

1 Q When you say inadvertent --

2 A Yes.

3 Q -- tell us what you mean. You e-mailed it?

4 A I did e-mail it, yes.

5 Q But you meant to hit send; right?

6 A Yes, sir.

7 Q So it wasn't inadvertent in that it was a mistake; you
8 sent it out on purpose?

9 A Yes.

10 Q And you sent it out. Were you surprised when this
11 journalist published the information that you sent her?

12 A No, I wasn't necessarily surprised, no. I didn't realize
13 I had breached policy but I wasn't surprised that she
14 published it.

15 Q Did you have any sort of personal relationship with this
16 person?

17 A No.

18 Q It was purely professional?

19 A Yes.

20 Q And did you -- and what was your other -- you said that
21 you did it because Sameera Anand was your friend?

22 A That's correct.

23 Q Did you send other confidential internal Goldman Sachs
24 information to your friend the journalist?

25 A I don't remember it. I don't think so, but I don't

SN

RPR

OCR

LEISSNER - CROSS - AGNIFILO

1427

1 remember it.

2 Q All right. I'm going to -- do you remember -- do you
3 remember her asking you questions about something -- San
4 Miguel in connection of the sale of a brewery business?

5 A I don't remember that she asked me that question.

6 Q All right. This is just for -- to refresh your
7 recollection. DX 1003 just for the witness and the parties
8 and the Court.

9 (Exhibit published to witness only.)

10 BY MR. AGNIFILO:

11 Q Do you remember this e-mail?

12 A I don't remember this e-mail in particular, no, sir.

13 Q And do you remember that on occasion, not just this
14 occasion, on occasion Sameera Anand would contact you and ask
15 you for information that you would only know because you
16 worked at Goldman Sachs?

17 A Well, no, I don't remember any specific instances where
18 she asked me questions. We were in active dialogue or
19 communications, but this information she's asking is not
20 because I was at Goldman Sachs. This you would have known if
21 you had been in the business community.

22 Q You ended up getting in trouble for this though; right?

23 A I got in trouble for that memo about my appointment.

24 Q The one you described earlier?

25 A Yes.

SN

RPR

OCR

LEISSNER - CROSS - AGNIFILO

1428

1 Q And what happened exactly?

2 A I don't remember. I was told that I breached policy, but
3 that's the extent of my memory.

4 Q And they -- they decreased your bonus, do you remember
5 that?

6 A No, I don't remember that, sir.

7 MR. ROLLE: Objection.

8 THE COURT: Overruled.

9 BY MR. AGNIFILO:

10 Q You don't remember a \$1 million decrease of your bonus?

11 A No, I don't remember that.

12 Q We're going to go back to the e-mail train that we left
13 before. This is not yet in evidence. This is DX 1004. So
14 we're going to ask you just to take a look at it. It's
15 another e-mail related to TIA so when it pulls up I will have
16 you take a look at it.

17 (Exhibit published to witness only.)

18 BY MR. AGNIFILO:

19 A Sorry, I need it a little bit larger, sir.

20 MR. AGNIFILO: Yeah, can we make it a little bit
21 larger.

22 Judge, it's written a little small. I can give the
23 witness a paper copy.

24 THE COURT: You can, but it's larger on the screen
25 now.

LEISSNER - CROSS - AGNIFILO

1429

1 A I can read it.

2 Q Okay. And this is an e-mail about the TIA project that
3 we've been talking about?

4 A Yes, I have to read a little bit of it.

5 Q Take your time.

6 A (Reviewing.)

7 I have read the piece that's on the screen here.

8 Q Okay. And this is an e-mail that's from Roger copying
9 you to other people?

10 A That's correct.

11 Q About the same TIA project we've been discussing?

12 A That's correct.

13 MR. AGNIFILO: Your Honor, we offer 1004.

14 MR. ROLLE: No objection.

15 THE COURT: It is admitted.

16 (Defense Exhibit 1004, was received in evidence.)

17 BY MR. AGNIFILO:

18 (Exhibit published.)

19 MR. AGNIFILO: If you can make that top e-mail a
20 little bit larger.

21 Q Okay. That is from Roger. Do you see that?

22 A Yes, sir.

23 Q And it's to a number of people. Udhay Furtado. Do you
24 see that?

25 A Yes.

LEISSNER - CROSS - AGNIFILO

1430

1 Q I don't think we discussed Udhay Furtado. Who is that?

2 A He was in capital markets in southeast Asia.

3 Q Okay. Cyrus Shey?

4 A He was debt capital markets.

5 Q And Boon-Kee Tan is investment banking?

6 A Yes.

7 Q Chan Vee Chong, investment banking, Terence Lim and Dan
8 Dees I think we discussed Dan Dees before?

9 A Yes, we did.

10 Q Here Roger is saying: Udhay, we have also reached to
11 Wassim for guidance here. If there is someone which you think
12 should be connected, it would be good. Who is Wassim?

13 A Wassim at that time was the head of our operations in
14 Dubai for the Middle East.

15 Q Wassim Younan?

16 A That's correct.

17 Q And is the idea here that because there could be kind of
18 a Middle East component to this situation that Roger is
19 suggesting reaching out to the middle eastern team including
20 Wassim?

21 A No, sir. I believe what the reference here to is just
22 experience that we have with sovereign wealth funds around the
23 world and how a setup could be helped by the various groups
24 within Goldman Sachs. So, he was trying to get Wassim's input
25 into how we can bring our expertise to the setup of the TIA.

SN

RPR

OCR

LEISSNER - CROSS - AGNIFILO

1431

1 Q Because of Mubadala; right?

2 A Well, there is a specific reference which I don't quite
3 understand now to Mubadala and another project, but out of the
4 context here I don't remember.

5 Q Tell us what Mubadala is.

6 A If Mubadala is on of the largest funds out of Abu Dhabi
7 and as I mentioned it in testimony last week, it's the largest
8 sovereign wealth fund in Abu Dhabi.

9 Q If you remember we went over an e-mail maybe 15 minutes
10 or so ago where Roger is saying maybe we can look at other
11 sovereign wealth funds. Do you remember that?

12 A That's correct, yes.

13 Q And Mubadala is a sovereign wealth fund?

14 A That's correct, yes.

15 Q And you said one of the biggest in the world out of Abu
16 Dhabi?

17 A That's correct.

18 Q And the idea is that Wassim -- being basis had to Dubai?

19 A Correct.

20 Q But Abu Dhabi is part of Wassim's territory?

21 A Correct.

22 Q The idea being that you can take advantage of his
23 knowledge and his knowledge of Mubadala in advising on the TIA
24 situation?

25 A Yes, that's how I read this e-mail.

LEISSNER - CROSS - AGNIFILO

1432

1 Q The next e-mail, Defense 1005. It's not yet in evidence.
2 We will mark it for identification. It's a continuation of
3 the e-mail we just looked at.

4 (Exhibit published to witness only.)

5 Q Tell me if you can see that top e-mail.

6 A Yes, I can.

7 Q I'm not asking you to do anything, just if you can see
8 it.

9 A Yes, I can.

10 Q And this is your -- you are copied on this; correct?

11 A Yes, sir.

12 Q It's from Roger?

13 A Correct.

14 MR. AGNIFILO: We offer it, Your Honor.

15 MR. ROLLE: No objection.

16 THE COURT: It is admitted.

17 (Defense Exhibit 1005, was received in evidence.)

18 BY MR. AGNIFILO:

19 Q And, so here we have Roger sending an e-mail to Wassim
20 Younan on the top; correct?

21 A Correct.

22 Q And copying some other people in investment banking;
23 correct?

24 A Yes, sir.

25 Q And I'm going to read a very few lines: Hi Wassim: How

SN

RPR

OCR

LEISSNER - CROSS - AGNIFILO

1433

1 are you. We are pitching to TIA that has recently announced
2 that they would be setting up a state sovereign wealth fund.
3 TIA has oil royalties from Petronas amounting to some U.S.
4 \$500 million -- what's PA there?

5 A Per annum.

6 Q Say again?

7 A Per annum.

8 Q The initial fund size is U.S. 3 billion. Is there anyone
9 we can reach out your Middle East team that has some
10 experience pitching or advising this. The SWF, sovereign
11 wealth fund, is green field and starting from ground zero. Do
12 you see that?

13 A Yes, sir.

14 Q So what he's doing this that is following up on the other
15 e-mail trying to see if Wassim can provide any knowledge or
16 experience or insight to help you guys with the TIA situation?

17 A That's correct.

18 Q All right. And then he finishes off at the bottom: The
19 consultant of Terengganu who is currently His Majesty the King
20 for the Federation of Malaysia had mentioned Mabadala has
21 recently done a model similar to what he was looking for.
22 They were apparently advised by BCG. Do you see that?

23 A Yes.

24 Q And BCG is Boston Consulting Group?

25 A Yes.

SN

RPR

OCR

LEISSNER - CROSS - AGNIFILO

1434

1 Q And what roll did BCG have in this situation as of
2 January of 2009?

3 A If you specifically ask about January 2009, I'm not sure
4 yet. However, when we actually pitched this particular piece
5 of business as Goldman Sachs's -- as a financial advisor, we
6 teamed up with Boston Consulting Group as a joint -- for a
7 joint pitch. We also involved a local law firm called Cadaler
8 in this pitch as well. So they were at some point our
9 partner. I don't know in January 2009 but they became our
10 partner.

11 Q Very good.

12 MR. AGNIFILO: The next e-mail not in evidence it's
13 a Government exhibit. It's Government Exhibit 1516. We would
14 show that to the witness and the parties and the Court. It's
15 for identification.

16 (Exhibit published to witness only.)

17 Q Can you read that okay?

18 A Yes, sir.

19 Q All right. And this is an e-mail -- the top e-mail is
20 from Roger to you and to Uhdad Furtado?

21 A That's correct.

22 MR. AGNIFILO: Your Honor, we offer Government
23 Exhibit 1516.

24 MR. ROLLE: No objection.

25 THE COURT: It is admitted.

LEISSNER - CROSS - AGNIFILO

1435

1 (Government Exhibit 1516, was received in evidence.)

2 (Exhibit published.)

3 BY MR. AGNIFILO:

4 Q Look at the bottom e-mail it's from Udhay to Roger and
5 yourself; correct?

6 A That's correct.

7 Q And Udhay asked the question: Are we using a local
8 broker for TIA. Do you see that?

9 A Yes.

10 Q And it says, Ganen mentioned that JPM Calvin Zhang
11 relation to Jho Lar -- it's probably a reference to Jho Low?

12 A I assume so.

13 Q So JPM is J.P. Morgan?

14 A Correct.

15 Q And Calvin Zhang is someone who worked at J.P. Morgan?

16 A He worked at J.P. Morgan at that time, yes.

17 Q Okay. And is -- do you understand Udhay to be saying to
18 you that this person Calvin Zhang from J.P. Morgan is related
19 to Jho Low, has a connection to Jho Low, has something going
20 on with Jho Low?

21 A That's my understanding, yes.

22 Q Okay. And then Udhay Furtado says, We need to watch out;
23 correct?

24 A Correct.

25 Q J.P. Morgan is your competition?

LEISSNER - CROSS - AGNIFILO

1436

1 A In this transaction -- in this, yes.

2 Q Who were your competitors generally? In your area of
3 Asia, who were the banks that you see as your competition?

4 A We had J.P. Morgan as one of them, UBS, Credit Suisse,
5 Morgan Stanley, Citibank and there were probably some others,
6 Credit Suisse First Boston, CSFB, and there were a handful or
7 more of very strong competitors.

8 Q Very good. And you write back -- in fact, you were
9 working with Jho and Keith. Correct?

10 A Yes.

11 Q And then --

12 A Do you mind if you scroll up --

13 Q Do you have it now?

14 A Yes.

15 Q So you say, In fact, we are working with Jho and team.
16 Do you see that there?

17 A Yes, correct.

18 Q And Roger says, our friends with the King are also
19 helping us.

20 A Yes.

21 Q To your knowledge did you and Roger have contacts with
22 the King other than Low?

23 A Not to my knowledge, no.

24 Q But just looking at the text for a second, you point out
25 we are working with Jho and team; right?

SN

RPR

OCR

LEISSNER - CROSS - AGNIFILO

1437

1 A Right.

2 Q And then Roger says our friends with the King are also
3 helping us?

4 A That's right.

5 Q And you don't know who he's referring to?

6 A No, I -- my assumption here is it's Jho.

7 Q But you don't know if he knows people other than Low who
8 are connected to the Sultan of Terengganu, the King?

9 A There was one other person on the council that both Roger
10 and I knew. That was -- I believe his name was Azlan. He was
11 the head of the EPF. He was also on the council.

12 Q Azlan?

13 A I believe so, yes.

14 Q And you used the phrase EPF. That's the Employee
15 Provident Fund?

16 A Correct.

17 Q Okay. And we don't need a whole long thing, but just so
18 the jury kind of knows what that is. What's the Employee
19 Provident Fund?

20 A It was the largest pension fund -- pension fund in
21 Malaysia at the time.

22 Q And this person Azlan you believe had some advisory or
23 position of influence with the King?

24 A He was sitting on the same council as Jho when we pitched
25 that business.

SN

RPR

OCR

LEISSNER - CROSS - AGNIFILO

1438

1 Q Do you know if Roger knew that person?

2 A Roger and I both knew that person.

3 Q You both knew him?

4 A Yes.

5 Q Now, at some point, you all were involved in drafting a
6 document, tell me if this is right in your recollection; the
7 terms of reference for the establishment and capitalization of
8 TIA, does that sound right?

9 A That sounds about right.

10 Q And what would that document be?

11 A Well, there were several or two documents essentially
12 that we drafted. One was the terms that the King and his team
13 would use to send out to the banks for them to respond to to
14 get this -- this business for the respective bank. Those
15 terms were something that we were drafting that was unusual.
16 Normally banks when we compete we just all get a document that
17 we have to reply to. Here we were actually drafting the
18 document itself where we would have to reply to. It's like
19 the exam to be taking that we draft ourselves.

20 So, here we were asked to submit the terms so that
21 they can be used to judge all the banks not just ourselves.
22 And the second document was the -- actually a reply to that
23 RFP that Goldman Sachs drafted. So we drafted the terms that
24 everybody had to reply to and then we drafted the second
25 document which was the one that we actually pitched with.

SN

RPR

OCR

LEISSNER - CROSS - AGNIFILO

1439

1 Q And tell me if this is right, TIA had never before
2 started a sovereign wealth fund?

3 A Well, the TIA is a sovereign wealth fund.

4 Q The state of Terengganu had never started a sovereign
5 wealth fund.

6 A That's correct, yes.

7 Q So this was the first sovereign wealth fund the state of
8 Terengganu had ever created; right?

9 A That's to my knowledge, yes.

10 Q And so they did not have an established RFP process
11 because this was their first ever fund?

12 A I don't know if that's correct, sir, because an RFP --
13 government agencies may use them for investment banks, but
14 they may use it for other services too. So I can't judge
15 whether they had RFPs before or not. What they didn't have as
16 far as I could tell was an RFP to set up a sovereign wealth
17 fund specifically.

18 Q That's my question; this would have been the first ever
19 RFP to start up a sovereign wealth fund?

20 A That would be my belief, yes.

21 Q All right.

22 MR. AGNIFILO: We're going to one of the next
23 e-mails in this general chain. It's DX 1007. It's not yet in
24 evidence so it's being offered for identification. And it's
25 being shown to the witness and the parties and the Court.

SN

RPR

OCR

LEISSNER - CROSS - AGNIFILO

1440

1 (Exhibit published to witness only.)

2 BY MR. AGNIFILO:

3 A I see the first part of the top part here.

4 Q All right. Actually let me ask you, do you remember
5 around this period of time in the last week or so of January
6 of 2009 that the investment banking decision was working on
7 the proposal?

8 A Yes.

9 Q Right.

10 A Yes.

11 Q Okay. And you were all working hard on this proposal to
12 try to make it as good a proposal as you could?

13 A Yes.

14 MR. AGNIFILO: Okay. We're going to go on to --
15 this is in evidence I believe as Government 1518.

16 THE COURT: Mr. Agnifilo, are you offering 1000 --

17 MR. AGNIFILO: No, I'm not going to offer it, Judge.
18 I'm not sure if Government 1518 is in so we're checking.

19 THE COURT: I do not have it.

20 MR. AGNIFILO: All right. We're going to mark it
21 for identification for the moment so the witness and the
22 parties and the Court can see it. It's Government 1518.

23 (Exhibit published to witness only.)

24 BY MR. AGNIFILO:

25 Q You can see that top e-mail there, Mr. Leissner?

LEISSNER - CROSS - AGNIFILO

1441

1 A Yes, I can.

2 Q It's an e-mail from Roger to yourself?

3 A That's correct.

4 Q And it relates to the TIA?

5 A Yes.

6 MR. AGNIFILO: We offer it, Your Honor.

7 MR. ROLLE: No objection.

8 THE COURT: It is admitted.

9 (Government Exhibit 1518, was received in evidence.)

10 (Exhibit published.)

11 BY MR. AGNIFILO:

12 Q If we could, I want to start on the bottom of this page
13 because the e-mail goes on to the next page, on page two. The
14 e-mail from Chan Vee Chong to Roger, Boon-Kee and Terence Lim.
15 You are not on this e-mail until two e-mails later. But do
16 you see that bottom e-mail? And you are forwarded this whole
17 chain. Do you see that?

18 A Yes, I see it, yes, sir.

19 Q All right. And this e-mail from Chan Vee Chong says:
20 Hi. We would like to initiate a big check on Terengganu
21 Investment Authority TIA?

22 A Correct.

23 Q We are pitching to advise on the establishment of TIA and
24 also subsequent fund raisings by TIA.

25 MR. AGNIFILO: We're going to go to the next page.

LEISSNER - CROSS - AGNIFILO

1442

1 Q TIA as of now is not formally set up yet. It is likely
2 to be a wholly-owned -- wholly-owned by the state government
3 of the State of Terengganu in Malaysia as a development
4 company sovereign wealth fund. Do you see all of that there?

5 A Yes, sir.

6 Q Let's go up to the next e-mail the first page, the next
7 e-mail up: Clyde Yip writes to Chan Vee Chong, to Goldman
8 Sachs BIG. What's the GSBIGAEJ entry there?

9 A It's a -- it's a group e-mail for Goldman Sachs business
10 intelligence group, BIG, Asia Ex Japan.

11 Q Okay. So that's one of the groups that's sort of,
12 like -- that makes sure that -- a regulatory -- a regulatory
13 function, a control function, of Goldman Sachs?

14 A It's part of -- yes, sir, we -- as I described last week
15 it's part of the control function. Part of the control
16 function and at the outset of any transaction it's meant to
17 provide background on the parties involved.

18 Q And then Chan Vee sends an e-mail to Roger and a number
19 of other people that says, Roger, maybe you can advise on the
20 question with regards to whether there was any finder. Do you
21 see that?

22 A Yes, sir.

23 Q Okay. And then Roger says to you, Tim, shall we advise
24 them that there's a finder's fee here for TIA at this stage.
25 Do you see that?

SN

RPR

OCR

LEISSNER - CROSS - AGNIFILO

1443

1 A Yes, sir.

2 Q Now, as of 2009, were you aware of the definition of
3 finder or intermediary within Goldman Sachs?

4 A Yes, sir.

5 Q And is it fair to say that in 2009 the definition of
6 finder or intermediary was someone who brought business to
7 Goldman Sachs who was paid by Goldman Sachs?

8 A Yes, that was one of the functions of a finder, yes.

9 Q That was the definition -- the definition changed in
10 about 2014; correct?

11 A I don't remember that change, but at this time it was
12 somebody who was bringing us business or who was involved in
13 our business.

14 Q Who Goldman Sachs was paying?

15 A Yes.

16 Q Okay. And, so, fair to say, if Goldman Sachs isn't
17 paying the person as of 2009, the person is not a finder or an
18 intermediary by the definitions of Goldman Sachs; correct?

19 A I actually don't agree with that, sir. I -- it is my
20 understanding that anybody who was of -- had any influence in
21 directing that business to us, whether paid or not, would fall
22 into that definition.

23 Q Did you have different training than say, like, Andy Tai?

24 A No, we had the same training.

25 Q You and Andy Tai would have the same exact training;

LEISSNER - CROSS - AGNIFILO

1444

1 right?

2 A Yes.

3 Q All right. We're going to go forward it's another e-mail
4 in this chain of e-mails. This is DX 1079 for identification,
5 1079.

6 (Exhibit published to witness only.)

7 BY MR. AGNIFILO:

8 Q Just take a look at that top e-mail there. This is an
9 e-mail that's from Roger. It's to a number of people and it
10 copies yourself. Do you see that there?

11 A Yes, I see that, sir.

12 MR. AGNIFILO: Your Honor, we offer it as DX 1079.

13 MR. ROLLE: No objection.

14 THE COURT: It is admitted.

15 (Defense Exhibit 1079, was received in evidence.)

16 (Exhibit published.)

17 BY MR. AGNIFILO:

18 Q Okay. Looking at the top e-mail there. This is from
19 Roger and who was -- is it Chico Jayaraya (phonetic)?

20 A Yes, correct.

21 Q Okay.

22 A He was in our Equity Capital Markets group at Goldman
23 Sachs.

24 Q And Roger writes that: Speaking to Jho at Winston
25 Private Equity which has a fund for Southeast Asia where Crown

LEISSNER - CROSS - AGNIFILO

1445

1 Prince of Abu Dhabi and Kuwait are investors. Do you recall
2 what he's talking about there?

3 A I don't recall this particular exchange. I see what he
4 is writing but I don't have independent knowledge of what he's
5 talking about here.

6 Q Okay. And then it says, Abu Dhabi has stopped all
7 investments by ADIA, ADIC and Mubadala as the banking system
8 there has seen large amounts rumored at \$60 billion being
9 drawn out. Do you see that?

10 A Yes, sir.

11 Q Do you know what he's talking about there?

12 A Not independently from what he's written here.

13 Q Very good, all right.

14 MR. AGNIFILO: The next e-mail in this series of
15 e-mails is DX 1080. It's for identification. Pull it up for
16 the witness.

17 (Exhibit published to witness only.)

18 BY MR. AGNIFILO:

19 Q Can you see that okay?

20 A Yes, I can see the top, yes.

21 Q All right. And this is an e-mail from Roger to a number
22 of people copying yourself and then blind copying a number of
23 other people?

24 A Yes.

25 MR. AGNIFILO: Your Honor, we offer it as 1080.

LEISSNER - CROSS - AGNIFILO

1446

1 THE COURT: Admitted.

2 (Defense Exhibit 1080, was received in evidence.)

3 (Exhibit published.)

4 BY MR. AGNIFILO:

5 Q Roger says, we have not had significant feedback on
6 materials internally. Meanwhile, we have provided the King's
7 advisors with drafts of our terms and reference and having a
8 call with them at 5 p.m. today. Also reached out to BCG who
9 advised Mubadala and Khazna and had some materials to beef RFX
10 BK, cc Chan Vee Chong; right?

11 A Yes.

12 Q This is a big team effort, fair to say?

13 A Yes.

14 Q A lot of people are doing a lot of work to try to make
15 this RFP as good as possible?

16 A That's correct, sir.

17 Q And in addition to the people within Goldman you have BCG
18 who are reaching out to Mubadala and Khazna; correct?

19 A They're not reaching out to them. The reference here is
20 they're providing their experience with those two
21 organizations.

22 Q And you described Mubadala as the sovereign wealth fund
23 from Abu Dhabi; correct?

24 A That's correct.

25 Q And tell us what Khazna is?

LEISSNER - CROSS - AGNIFILO

1447

1 A It was a sovereign wealth fund within Malaysia that had
2 been there for quite a long time. It owned a number of stakes
3 in the big state-owned -- state-linked organizations such as
4 Teleco Malaysia, Tenaga, many of the biggest companies in
5 Malaysia had a stake in Khazna on behalf of the Government.

6 Q Thank you.

7 MR. AGNIFILO: The next e-mail is already in
8 evidence as Government's Exhibit 1521, so we can pull it up
9 for the jury and everybody.

10 (Exhibit published.)

11 BY MR. AGNIFILO:

12 Q And we're going to try to make that bottom e-mail of the
13 two e-mails a little bit bigger. Can you see that okay?

14 A Yes, sir.

15 Q This is from Roger. It's to you and it's copying Julie
16 Sieu Li. Do you see that?

17 A That's correct.

18 Q All right. TIA tentative date with the King, do you see
19 that?

20 A Yes.

21 Q It says, Tim, we have tentative dates next week Wednesday
22 to Friday to meet with the King at the Palace or over dinner.
23 Present will be Jho, Dato Ramli, Group MD for Kenanga
24 Investment Bank, Tengku Zafrul, you and me. Purpose is to put
25 face to names. The King has not met anyone yet from the banks

LEISSNER - CROSS - AGNIFILO

1448

1 and we are managing this process. Do you see that?

2 A Yes, sir.

3 Q Dato' Ramli is from another bank called Kenanga; correct?

4 A I only know it from this reference.

5 Q You don't know who these people are?

6 A I don't remember him independently.

7 Q And do you know if Tengku Zafru was also from Kenanga?

8 A I don't know if at the time. He had moved around in my
9 lifetime as a banker so I don't know at this particular time.

10 Q And do you recall if in this time period if Kenanga, the
11 bank Kenanga, wanted to be sort of a joint advisor along with
12 Goldman to the TIA project?

13 A I don't remember that, sir.

14 Q Next is a defendant's exhibit for identification. It's
15 1078. Pull it up for the witness and the Court and the
16 parties.

17 (Exhibit published to witness only.)

18 BY MR. AGNIFILO:

19 Q Do you see that okay?

20 A Yes, sir. I can see it.

21 Q All right. And it's an e-mail correspondence between you
22 and Roger?

23 A That's correct.

24 Q In regard to a meeting with Low?

25 A That's what I surmise from this e-mail.

LEISSNER - CROSS - AGNIFILO

1449

1 MR. AGNIFILO: Your Honor, we offer it as 1078.

2 MR. ROLLE: No objection.

3 THE COURT: It is admitted.

4 (Defense Exhibit 1078, was received in evidence.)

5 (Exhibit published.)

6 BY MR. AGNIFILO:

7 Q So if we look at the bottom e-mail Roger e-mails you and
8 says Tim, I will run late for 9:30. I include Jho's mobile.
9 Do you see that?

10 A Yes.

11 Q And he includes a mobile phone number?

12 A Yes.

13 Q You write back: No problem. I have Mandarin. Take your
14 time, my friend. There are more important things in life;
15 right?

16 A That's correct.

17 Q So Roger, fair to say -- certainly in the beginning Roger
18 was the lead person in terms of having contact with Low;
19 correct?

20 A He was the lead coverage banker for Low, yes.

21 Q And as time went on you both had more dealings with Low;
22 correct?

23 A Yes.

24 MR. AGNIFILO: Next in the chain is marked for
25 identification DX 1082. We will pull that up for the witness

LEISSNER - CROSS - AGNIFILO

1450

1 and the parties and the Court. It's not in evidence -- oh, it
2 is in evidence.

3 Your Honor, it's in evidence as Government's 1975
4 so. We will strike our marking and do it as Government's
5 1975. We're going to use the one in evidence as 1975.

6 THE COURT: When was this admitted? I don't have it
7 on my list.

8 MR. AGNIFILO: Then I will just offer it as a
9 Defense Exhibit J.

10 THE COURT: It's in as Defense 1082 unless you have
11 a date.

12 MR. ROLLE: We have the transcript from last night.

13 MR. AGNIFILO: We can do it as a defense exhibit --

14 MR. ROLLE: Judge, it was admitted on the 22nd.

15 THE COURT: As what exhibit?

16 MR. ROLLE: On the 22nd it was Government Exhibit
17 1975.

18 THE COURT: Go ahead, counsel.

19 MR. AGNIFILO: Should I go forward with it as a
20 Government exhibit, Your Honor?

21 THE COURT: You can.

22 BY MR. AGNIFILO:

23 (Exhibit published.)

24 Q You can see Government Exhibit 1975?

25 A I can see it, yes.

LEISSNER - CROSS - AGNIFILO

1451

1 Q All right. And if we go to the second page, there is a
2 document that looks like probably the RFP but I will let you
3 take a look at it.

4 A (Reviewing.)

5 MR. AGNIFILO: We're going to have to use the ELMO,
6 Judge, to do this. This is already in evidence. It is the
7 second page of 1975, Your Honor.

8 Q Just tell us what that is, Mr. Leissner .

9 A That, sir, is the cover page of the actual request for
10 proposal from the TIA in February 2009.

11 Q All right. So this is the RFP itself?

12 A That's the coverage page of the RFP, correct.

13 Q All right. We're going to go to Government Exhibit 1528.
14 This is already in evidence.

15 (Exhibit published.)

16 Q And this is from yourself to -- the top e-mail is from
17 yourself to Roger. The one below that is from Roger to you,
18 do you see that?

19 A Yes, sir.

20 Q Okay. All right. And looking at the one from Roger it
21 says, Boss, checked with Jho for TIA meeting. We need to give
22 comfort that we can principal the Malaysian ringget five
23 billion equivalent guaranteed. What does that mean?

24 A Guarantee, yes.

25 Q What does that mean?

SN

RPR

OCR

LEISSNER - CROSS - AGNIFILO

1452

1 A You mean the second part we need to get --

2 Q What does that mean that we can principal the Malaysian
3 ringget government guaranteed?

4 A It means that we at Goldman Sachs would be able to buy a
5 bond issued by the TIA here in context in the order of about
6 one and a quarter U.S. billion dollars, 5 billion ringget
7 equivalent with the Government guarantee, with the Government
8 of Malaysia guarantee and if we can principal, that we are
9 wired.

10 Q Okay. And wired here means that you can do it, you have
11 the ability to do the deal?

12 A Excuse me? Sorry, I don't understand your question.

13 Q The term wired --

14 A Yes.

15 Q -- what does it mean?

16 A It means we stand a chance to get the mandate.

17 Q All right. Looking at -- in evidence it's Government
18 Exhibit 1530. It's already in evidence.

19 (Exhibit published.)

20 BY MR. AGNIFILO:

21 Q And we're going to look at the e-mail from Roger to Chan
22 Vee and to you that starts with, Jho called. Do you see that?

23 A Yes, sir.

24 Q It says Jho called me after the JPM/McKinsey pres before
25 Nomura. Do you see that?

SN

RPR

OCR

LEISSNER - CROSS - AGNIFILO

1453

1 A Yes, sir.

2 Q What is he saying that?

3 A That he had received a call from Jho after the
4 presentation that J.P. Morgan and McKinsey, the consulting
5 group, had made as part of this process and before the Nomura
6 presentation both of those parties were competitors of us at
7 Goldman Sachs in the consulting group in winning this mandate.

8 Q So we basically understand there's two competing teams;
9 you have Goldman Sachs with Boston Consulting Group on the one
10 side and you have J.P. Morgan and McKinsey on the other side,
11 right?

12 A Yes. And there were others as well. There were four of
13 us who were invited. Nomura was one, McKinsey and J.P. Morgan
14 and I believe UBS was the fourth.

15 Q Okay. And then you say in the next one up, We can always
16 break the consortium. What does that mean?

17 A It means if there was a preference to select Goldman
18 Sachs as the financial advisor, we were not stuck with the
19 Boston Consulting Group. We would be happy to work with
20 McKinsey if that was the decision of the committee in terms of
21 preferences of advisors.

22 Q Okay. And was there a feeling within the Goldman Sachs
23 team at the time that perhaps McKinsey would be a better
24 partner than Boston Consulting?

25 A Only in the context here, can I see that we -- that we

LEISSNER - CROSS - AGNIFILO

1454

1 were just reacting to the feedback that Roger had received
2 from Jho that actually McKinsey had done a very good job
3 explaining a certain component of the RFP maybe better so than
4 Boston Consulting Group.

5 Q I understand.

6 MR. AGNIFILO: The next document is a defense
7 exhibit for identification. It's Defendant's Exhibit 1077.

8 (Exhibit published to witness only.)

9 Q You can see that okay?

10 A Yes, sir.

11 Q All right. And this basically is another one of these
12 meeting entries for a meeting with Jho Low from yourself to
13 Roger; correct?

14 A That's correct.

15 MR. AGNIFILO: We offer this as 1077.

16 MR. ROLLE: No objection.

17 THE COURT: It is admitted.

18 (Defense Exhibit 1077, was received in evidence.)

19 BY MR. AGNIFILO:

20 (Exhibit published.)

21 Q I know we've gone through a number of these but this is a
22 meeting dated March 19, 2009; correct?

23 A That's correct.

24 Q All right and this goes into the Goldman Sachs system;
25 correct?

LEISSNER - CROSS - AGNIFILO

1455

1 A Yes, correct.

2 Q All right. And it says meeting with Jho Low?

3 A Yes.

4 Q CEO of Winston Private Equity Group. Do you see that?

5 A Yes.

6 Q Okay. Let's go to the next exhibit it's a Government
7 Exhibit that's already in evidence it's 1534.

8 (Exhibit published.)

9 Q We can all see that. Let's just look at the top e-mail
10 for the moment. Do you see that there?

11 A Yes, I can.

12 Q Okay. And this is an e-mail from Vincent Chin?

13 A Correct.

14 Q From the Boston Consulting Group; right?

15 A That's correct.

16 Q And who were these other people. Who is Ranu Dayal. Do
17 you know?

18 A No, I can't remember.

19 Q Okay. And Mariam Jaafar?

20 A I also can't remember.

21 Q Okay. And so it says here -- you mentioned Azlan,
22 another of the King's advisors?

23 A That's correct.

24 Q Is that the Azlan that's referenced here after, dear
25 everyone?

LEISSNER - CROSS - AGNIFILO

1456

1 A Correct.

2 Q Who was Dato Azlan?

3 A The CEO of the EPF the Employment Provident fund which
4 was the largest pension fund in Malaysia.

5 Q Okay. And it says here -- the person from Boston
6 Consulting Group says, Dear everyone, Dato Azlan just called
7 me with good news, the committee selected us and has attached
8 some conditions and then the first condition says fundraising
9 done in conjunction with local banks, RHB Bank, Islam and
10 Maybank. The latter two only need a small piece of the
11 action. He also mentioned that J.P. Morgan may be roped in.
12 Do you see that?

13 A Yes.

14 Q The second part is, reduce our fees. Do you see that?

15 A Yes.

16 Q Okay. So TIA didn't want to pay the full fee?

17 A That's what I remember as well, yes.

18 Q Okay. And do you remember what the fee dispute was, only
19 to the extent that you remember?

20 A What I remember is that we wanted to charge \$2 million
21 and I believe TIA only paid us or wanted to pay us 1 million.

22 Q All right. Let's go to the next exhibit. This is
23 already in evidence as a Government exhibit. It's 1544.

24 (Exhibit published.)

25 Q All right. And look at that sort of big e-mail in the

LEISSNER - CROSS - AGNIFILO

1457

1 middle and see if we can make that a little bit bigger. All
2 right. Do you see that okay?

3 A Yes, sir.

4 Q And this is an e-mail from Roger to yourself; correct?

5 A Yes, sir.

6 Q It says, Hi Tim. Have been speaking with Jho and Casey.
7 Casey Tang that would be?

8 A Yes.

9 Q In the past 48 hours to get our full fees back. They're
10 agreeable if we help them deliver Michael Eissner, Jeff Immelt
11 and Bernard Arnault as members of the board of advisors. Do
12 you see that?

13 A Yes, sir.

14 Q All right. So your understanding is you guys agree on 2
15 million, right -- you and TIA. The fee is 2 million, right?

16 A Yes.

17 Q They only give you 1 million?

18 A That's what I remember, yes.

19 Q You circle back and say you want the other million that
20 you said you would pay us, right?

21 A Yes.

22 Q And then they circle back and say, we'll give you the
23 money if you can get Michael Eissner, Jeff Immelt and Bernard
24 Arnault on the board of advisors; right?

25 A That's how I read this as well.

LEISSNER - CROSS - AGNIFILO

1458

1 Q So then it says Sheikh Khaldoon Ceo of Mubadala and
2 Sheikh Mohammed Al Sabah, DPM and Foreign Minister of Kuwait
3 has already agreed and we can capitalize on that. Do you see
4 that there?

5 A Yes, sir.

6

7 (Continued on the following page.)

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RPR

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LEISSNER - CROSS - AGNIFILO

1459

1 CROSS-EXAMINATION (Continued)

2 BY MR. AGNIFILO:

3 Q Okay. So here, fair to say, that you talked on direct
4 about having this in with Jho Low, right?

5 A How do you define this "in"?

6 Q That he was showing you some sort of favoritism.

7 A Yes.

8 Q All right. But when it comes down to fees, you're
9 getting stiffed on the fee to the tune of a million dollars.

10 A That's right.

11 MR. AGNIFILO: Okay, the next thing we're going to
12 look at, we're going jump ahead a few months. This is already
13 a government exhibit. It's in evidence as Government
14 Exhibit 1545, so we can pull it right up.

15 (Exhibit published.)

16 Q Now this is a different deal, this is no longer the
17 Terengganu Investment Authority matter, correct?

18 A I need to look through it.

19 Q No, no, I'm sorry, take your time.

20 (The witness is reviewing the document.)

21 A Right. Yes, that's correct.

22 Q Okay, this is something that is called "state grid"?

23 A Well, it's not only the state grid, it's -- it's
24 referencing the trip of the PM, the prime minister, at the
25 time to Beijing during this time frame that's mentioned here,

LEISSNER - CROSS - AGNIFILO

1460

1 June 2nd and 3rd.

2 Q Okay. And do you remember around this time period sort
3 of like government-to-government negotiations between Malaysia
4 and China?

5 A I remember -- I remember that we were -- Goldman Sachs
6 was part of a discussion whereby the state grid, that you had
7 mentioned, which was an entity under the Chinese government to
8 potentially invest in a dam, a hydro project in Malaysia that
9 involved the government.

10 Q And the state grid, tell me if this is right, state grid
11 is sort of the government's organization in China that manages
12 electrical power.

13 Does at that sound right?

14 A Yes. It managed the electrical grid in China. So it
15 means the transmission lines.

16 It had generation assets, too, generation assets as
17 well. But there were many independent generators in China as
18 well.

19 The largest chunk of the asset was actually the grid
20 in China transmitting electricity.

21 Q And what exactly was Goldman's role going to be in this
22 matter ostensibly between the Chinese government and the
23 government of Malaysia?

24 A At the time of these discussions here, it wasn't clear to
25 us which role we would play.

LEISSNER - CROSS - AGNIFILO

1461

1 We were the only investment bank as part of these
2 discussions, and we were thinking at the time that we could be
3 on the state grid side, but we could also potentially work on
4 the Malaysian side.

5 So it wasn't clear at this time yet whatever it
6 became, because the project didn't move toward, who our client
7 would be.

8 Q Okay. And at the end of the day there was no wall for
9 Goldman Sachs in this matter?

10 A The project did not move forward, so that's my
11 recollection.

12 Q All right, next thing, this is already a Government
13 Exhibit. This is Government Exhibit 1560 in evidence. It's
14 an email traffic between yourself and Roger from
15 September 26th, 2009. Looking at the bottom, the bottom
16 email.

17 A Yes, sir, I can see it.

18 (Exhibit published.)

19 Q And I think you discussed this on direct examination.

20 You tell Roger: Let's get one more trade done.
21 Best to be MOF, ministry of finance, trade. What other ones
22 can we do in October? Taliworks, KNM, any other one, right?

23 A Yes, sir.

24 Q What are you doing there? What's the purpose of this
25 email that you sent?

LEISSNER - CROSS - AGNIFILO

1462

1 A I briefly explained last week as well.

2 Towards the end of the year, I was trying to talk to
3 all of my coverage bankers who worked with me in the different
4 countries in Southeast Asia to see what deals they would be
5 able to look in terms of revenues before year end.

6 So this was the last few months for us to get any
7 revenues in for that year 2009.

8 Q So the email that you sent here to Roger, you sent
9 similar emails to some of your other coverage bankers. Fair
10 to say?

11 A I don't know if I sent emails, I would have talked to all
12 of them about the same topic.

13 Q Okay. And Roger comes back to you, and just so it's
14 clear, you're trying -- you're trying to round them up and go
15 out and get a deal done.

16 That's what the email says?

17 A Yes, I was trying to see what deals were doable before
18 year end, yes.

19 Q And so Roger comes back to you, PFI trade.

20 You tell me what, does he say in that first entry?
21 What is he telling you?

22 A PFI is the private fund. The fund initiative is the
23 principling desk that we would like to fund the 1MBD bonds.

24 He's talking about, and I'm not sure of this
25 reference, but he's giving two examples of Malaysian banks

LEISSNER - CROSS - AGNIFILO

1463

1 with investments in Indonesian banks.

2 Q So you're telling him, you know, go out and beat the
3 bushes, try and get some deals done, and he's coming back with
4 deal ideas.

5 A That's correct.

6 Q And then you write him back: "Yes, that's the spirit."

7 A Right.

8 Q Okay. And then he writes you: "Chief, Jinyong called.
9 SGCC CEO wants to meet for breakfast in HK Hong Kong tomorrow
10 at 8:30 for an update on Bakun project. I am getting there
11 later today."

12 The Bakun project was a dam project?

13 A That's the hydro power project, yes.

14 Q The state grid project?

15 A That's right.

16 Q Okay. That's the first one he mentions, the state grid
17 project?

18 A Correct.

19 Q So Jinyong are coming together?

20 A Yes.

21 Q And then the next one he says: "Met with Jlo. He will
22 get us a date for the week of October 19th for presentation to
23 PM. Saudi Petroleum will set up JV with 1MDB to co-invest a
24 billion dollars, US dollars. Saudi Petroleum will invest US
25 \$2 billion. This arose from the PM Saudi visit."

LEISSNER - CROSS - AGNIFILO

1464

1 What's he talking about there?

2 A So he's talking about a conversation that Roger had with
3 Jho. That, in fact, he was trying to get the date for us, Jho
4 was trying to get a date for us with the prime minister.

5 And he's talking about a specific deal here that Jho
6 told him about, which is to set up a joint venture between
7 1MBD and Saudi Petroleum and how much funding was going into
8 the joint venture.

9 Q Okay. So next one we're going to look at is Government
10 Exhibit 1562.

11 I think this is in evidence. This is Government
12 Exhibit 1562.

13 THE COURT: It is.

14 MR. AGNIFILO: All right, 1562, so we can pull it up
15 for the witness and for the jury and for everybody.

16 (Exhibit published.)

17 Q And you talked about this on direct examination.

18 A Yes, sir.

19 Q Okay. So this is the email where Roger sends to Low and
20 to Hsin Yue Yong, copying you a referral for Low to be a
21 private wealth management client.

22 Do you see that?

23 A That's correct, yes.

24 Q Okay. And the email just says: "Hsin, as spoken, I
25 would like to refer a client of ours for private wealth

LEISSNER - CROSS - AGNIFILO

1465

1 management out of Zurich."

2 Do you see that?

3 A Yes, sir.

4 Q And then he goes on to say: "Please feel free to Jho" --
5 probably forgot the word call, but it says -- "to Jho."

6 There's a phone number there. "For further action. He will
7 be in Zurich this Friday and leaving tomorrow."

8 Do you see that?

9 A Yes, sir.

10 Q Then it says: "Please, meanwhile, do not hesitate to
11 contact me for or Tim for endorsing reference, if necessary,"
12 correct?

13 A That's correct, yes.

14 Q Okay. So in this email, Roger's not saying anything
15 positive about Low in this email?

16 A Well, he does, sir. He's saying that, you know, he and I
17 would give endorsing references, if necessary.

18 Q Okay. But I'm just saying, in this email, he's not
19 saying that Low was -- there's no facts being given about Low,
20 positive or negative, in this email.

21 Do you agree with me?

22 A There are no facts given. The endorsing part is a
23 positive reference, though.

24 MR. AGNIFILO: Okay. Next email, this is in
25 evidence as 1575.

LEISSNER - CROSS - AGNIFILO

1466

1 (Exhibit published.)

2 Q This is already in evidence, it's an email correspondence
3 between you and Roger.

4 A Could you make that slightly larger?

5 Q Yes, sure.

6 A Yes, sir.

7 Q And Roger says: "Just met PM, prime minister, Najib,"
8 correct?

9 A Yes.

10 Q "Three children with Jho at his apartment."

11 And you understand that to be Low's apartment,
12 correct?

13 A That's my understanding, yes.

14 Q Work on getting them to join GS, right?

15 A Correct.

16 Q Goldman Sachs.

17 "Could not talk business. Meeting him again
18 tomorrow."

19 Do you see that?

20 A Yes, I do.

21 Q Okay. Now at this point in time when you were talking
22 about this email on direct examination, you were saying that
23 Low had a very large apartment on Columbus Circle.

24 Do you remember that?

25 A Yes, sir.

LEISSNER - CROSS - AGNIFILO

1467

1 Q Do you remember that he got that in 2011?

2 A No, I don't remember.

3 Q You don't, okay.

4 Do you know what apartment he had in 2009?

5 A No, I don't.

6 Q And then you say: "Sounds good, my friend. Get them
7 in."

8 You see that?

9 A Yes.

10 Q Now you had -- let's go to the first email of this, on
11 this chain on the second page.

12 You had -- you had discussions with Lazard some
13 years after this?

14 A Correct.

15 Q About possibly you working with Lazard?

16 A That's correct, yes.

17 Q Okay. When did those discussions start between you and
18 Lazard?

19 A I don't remember, sir.

20 Q Were they going on, to your knowledge, in October of
21 2009?

22 A I really don't remember, I'm sorry.

23 Q You don't remember, sir. I just couldn't hear you.

24 A Yes, sorry, I can't remember.

25 MR. AGNIFILO: All right. We're going to go to

LEISSNER - CROSS - AGNIFILO

1468

1 1579, Government Exhibit 1579. It is already in evidence.

2 (Exhibit published.)

3 Q And this is you sending an email to -- is that Ananda
4 Krishnan?

5 A Yes, that Ananda's email.

6 Q And you're forwarding Ananda an article about Jho Low,
7 big-spending Malaysian as the mystery man of city club scene.

8 Do you see that?

9 A Yes, I can see that.

10 Q Now at this point you had known Ananda Krishnan for,
11 what, about seven years?

12 A Yes, I think that's accurate.

13 Q All right. And he was a fairly prominent person in
14 Malaysia, right?

15 A He was one of the largest businessmen in Malaysia, that's
16 correct.

17 Q Okay. And just tell the jury, just give us a snapshot of
18 Ananda Krishnan?

19 A Ananda Krishnan was an older gentleman, I think around 75
20 or so, who owned a holding company, investment company called
21 Usaha Tegas.

22 Usaha Tegas held or owned companies that ranged from
23 telecommunications. So it owned MAXIS, which is kind of like
24 AT&T of America in Malaysia. It owned Astro that we had
25 talked about before, the pay TV company, the Spectrum of

LEISSNER - CROSS - AGNIFILO

1469

1 Malaysia. It owned Tanjong, which later became Project Turin,
2 the power generation -- one of the power generation companies
3 there. And it owned many other assets.

4 It was probably one of the biggest privately held
5 not government held businesses in Malaysia.

6 Q Okay. And so as you said, Ananda Krishnan owned the
7 power assets that were being sold to 1MDB as part of Project
8 Magnolia, that first bond deal?

9 A It was Project Turin where Usaha Tegas, the holding
10 company I just described, sold those assets to 1MDB.

11 Q And then Magnolia was the fund raising?

12 A That's correct.

13 Q So Turin and Magnolia are different aspects of the same
14 transaction?

15 A That's correct.

16 Q And so the party selling the power assets as part of the
17 first deal was a long-time client of yours?

18 A That's correct.

19 Q And I think you talked about already, you had worked on
20 the initial public offering for at least two of those
21 companies?

22 A That's correct, yes.

23 Q And that's how you got to know Rohana Rozhan, who we
24 talked about this morning?

25 A That's correct.

LEISSNER - CROSS - AGNIFILO

1470

1 Q Rohana Rozhan was the CEO and then the CFO of one of
2 Ananda Krishnan's companies, Astro, correct?

3 A She was first a CFO then the CEO but, yes.

4 Q Exactly.

5 And so why are you sending this article about Low to
6 your long-time client, Ananda Krishnan?

7 A I don't remember the circumstances, sir. From this
8 email, it sounded like we had discussed this article at dinner
9 that Ananda and I had the night before.

10 But I don't remember the circumstances exactly why I
11 sent that to him, other than what I see here.

12 Q Were you talking to Krishnan about Low as early as
13 November of 2009?

14 A It does appear like that, yes, sir.

15 Q Okay. And did Krishnan have any interest in doing
16 business with Low?

17 A Not that I recall during that time.

18 Q Now Krishnan was Malaysian, correct?

19 A That's correct.

20 Q And Low was Malaysian?

21 A Yes.

22 Q And what you say in that short email to Ananda is:
23 "Attached the article I mentioned at dinner last night."

24 And so you think that you had dinner the previous
25 night with Ananda, correct?

LEISSNER - CROSS - AGNIFILO

1471

1 A That's what I surmise from this email, yes.

2 Q And you and Ananda socialize on a fairly regular basis;
3 fair to say?

4 A I socialized with him on a number of occasions. Regular,
5 perhaps not, but on a number of occasions, yes.

6 Q He had a boat, you went on his boat?

7 A Yes.

8 Q A number of times?

9 A Twice, I believe.

10 Q Okay. And he -- and you would meet both in Malaysia and
11 in other places, correct?

12 A That's correct, yes.

13 Q And so when you say that it seems like that you were
14 talking to Ananda about Low, as early as November 2009, what
15 do you think you and Ananda were talking about back then?

16 A That would be speculation now, sir. I only see this
17 email and the reference to that article. I don't recall what
18 we were discussing.

19 MR. AGNIFILO: All right, the next email we're going
20 to look at, it's already in evidence, it's Government
21 Exhibit 1581.

22 (Exhibit published.)

23 MR. AGNIFILO: All right, and it's from -- make the
24 top email a little bit bigger.

25 Q Can you read that okay?

LEISSNER - CROSS - AGNIFILO

1472

1 A Yes, I can now, yes.

2 Q It's from Low. It's to Roger, Shahrol Halmi, Casey Tang
3 and yourself, correct?

4 A That's correct.

5 Q PM meeting at 5:30.

6 A Uh-huh.

7 Q What PM meeting is he talking about here?

8 A This is the meeting with the prime minister of Malaysia
9 and Lloyd Blankfein that -- that we had set up for the post --
10 I think it was the post around Thanksgiving of 2009.

11 Q And what was the purpose of that meeting again?

12 A It was really for a relationship building with the prime
13 minister at the very top of our organization with -- with
14 Lloyd Blankfein. And also for us to be present as the
15 coverage team for Malaysia.

16 Q And what Lloyd Blankfein, at the time, he was the top dog
17 in Goldman Sachs, correct?

18 A He was the chairman and CEO of Goldman Sachs, correct.

19 Q And he met with Low, correct?

20 A That's correct.

21 Q He met with Low on more than just one occasion, right?

22 A That's also correct.

23 Q Do you know if I met him on three occasions?

24 A I believe it was at least two or three times, yes.

25 Q And so -- and I think you said that Lloyd is briefed

LEISSNER - CROSS - AGNIFILO

1473

1 typically on meetings when you have meetings with people
2 outside of Goldman Sachs, correct?

3 A That's correct, yes.

4 MR. AGNIFILO: All right. We have seven minutes
5 left, we're going to cover one more thing. It's already in
6 evidence. It's Government Exhibit 2435.

7 All right this is in evidence as Government
8 Exhibit 2435. Sorry about that.

9 (Exhibit published.)

10 MR. AGNIFILO: We'll try and get that top a little
11 bigger for you.

12 Just go to the top.

13 Q Okay, can you see that okay?

14 A Yes, sir.

15 Q All right. This is an email from CapitalAdvisors@ymail,
16 which is you, correct?

17 A That's right.

18 Q And this is an email address, CapitalAdvisors@ymail, the
19 email address that you created right around the time that you
20 started sending out bribe payments, correct?

21 A I don't remember the exact timing of when I established
22 that.

23 Q But we jumped ahead in time because now we're 2014.

24 You see that, right?

25 A That's correct.

LEISSNER - CROSS - AGNIFILO

1474

1 Q And it's to Judy Leissner, correct?

2 A No, that's -- you say -- this is from my Yahoo to Capital
3 Advisors.

4 Q No, it's from Capital Advisors --

5 A No, it's from me to Capital Advisors, sir.

6 Q All right, I might be using a different one.

7 Okay, let's go to the third page.

8 Hold on. My third page is different from your third
9 page.

10 MR. ROLLE: Your Honor, just to clarify, this --
11 what we're looking at on the screen is in evidence as 2434.

12 THE COURT: 2434 is in evidence, as is 2435.

13 MR. ROLLE: And the Tim Leissner to Capital Advisors
14 is 2434, Judge.

15 THE COURT: So the document that's on the screen is
16 2435, correct?

17 MR. ROLLE: Well, it's coded as 2435, but it was
18 replaced and we have both 34 and 35.

19 34, which is on the screen, is Tim Leissner to
20 Capital Advisors.

21 We did admit this version on the screen as 2435,
22 Judge.

23 THE COURT: You need to clarify with counsel,
24 Mr. Rolle, which version was admitted.

25 The Court only has that Exhibits 2434 and 2435 were

LEISSNER - CROSS - AGNIFILO

1475

1 admitted.

2 MR. ROLLE: That's correct, Judge, those are the
3 admitted exhibits.

4 I'm just saying that the version that counsel has on
5 the screen is an older version that wasn't admitted. But Your
6 Honor's record and the transcript is correct.

7 THE COURT: Okay, so why don't you give counsel a
8 copy of what was admitted.

9 MR. ROLLE: Yes.

10 MR. AGNIFILO: I can do it off the ELMO, that's
11 fine.

12 This is the third page.

13 Q Okay. All right. So you look at that. Do you see it?

14 A Okay.

15 Q This is a conversation between you and Low, correct.

16 A That's correct.

17 Q All right. And the TL part is you, right?

18 A That's right.

19 Q And the J part, that's Low, right?

20 A That's correct.

21 Q I'm sorry, the J part that's a reference to Jho.

22 And it starts with you saying --

23 THE COURT: Counsel, pull the mic towards you. You
24 can pull the one on the table.

25 MR. AGNIFILO: I feel like an entertainer.

LEISSNER - CROSS - AGNIFILO

1476

1 Q "By the way, getting you back on the KYC train."

2 Do you see that?

3 A Yes, sir.

4 Q Okay. And what you're saying to Low is you're going and
5 try to get him back into Goldman Sachs as a private wealth
6 management client, right?

7 A That's correct.

8 Q Okay. And then you say: "We'll push harder once
9 confirmed as chairman of Southeast Asia," right?

10 A Yes.

11 Q Okay. And what you're saying there is once you have the
12 power and the authority and the position to get Low into the
13 bank as a private wealth management client, you're going to do
14 that, you're going to push harder to do that, correct?

15 A Sorry, sir, I have to disagree with the first start part
16 your state or question.

17 No, I did not have the authority nor any ability to
18 push him as a client. All I could do then or before is to
19 actually put him into the system, as you described in your
20 first statement. And the decision was not with me.

21 Q What you say, I'm just going off your words here on the
22 page: "We'll push harder once confirmed as chairman Southeast
23 Asia."

24 That's what you said, right?

25 A That's right.

LEISSNER - CROSS - AGNIFILO

1477

1 Q Okay. And Low says: "Okay."

2 You say: "Are you back in Asia?"

3 Low says: "Nope."

4 You say: "Whenever you are back, I might want to
5 set up a meeting with other people in GS, Goldman Sachs,
6 management, too," right?

7 A That's right.

8 Q Who did you have in mind that you are going to set him up
9 with in Goldman Sachs management?

10 A It comes through further down the line.

11 I wanted Jho to meet with other partners of senior
12 people within the Goldman Sachs Asia team, in particular Hong
13 Kong.

14 I can't remember who in particular I had in mind,
15 but with the senior management leadership of Goldman Sachs in
16 Asia.

17 Q Okay. And then he says: "Okay, sure, which office,"
18 right?

19 A Correct.

20 Q And you say: "HK, Hong Kong, is where we catch the
21 people I want to catch", right?

22 A That's right.

23 Q And he says: "Okay. Need to clear GS KYC, know your
24 client, clear all other banks," right? That's what he says?

25 A That's right, correct.

LEISSNER - CROSS - AGNIFILO

1478

1 Q What he is saying to you is, all the other banks are okay
2 dealing with me, I want to clear Goldman Sachs know your
3 customer, right?

4 A That's my understanding.

5 Q Okay. And then he says: "I think Roger screwed it up
6 and maybe a Swiss chap, too," right?

7 A Yes.

8 Q Now the Swiss chap is Morten Meland, right?

9 A I don't know who he's referring to here, sir.

10 Q You remember that back when we looked at that email a few
11 emails ago where Roger was talking to Hsin about making him a
12 private wealth client, he wanted to do that in a Switzerland,
13 right?

14 A That's right, correct.

15 Q Okay. Do you recall that the Swiss chap that Low is
16 referring to here is the Goldman Sachs Swiss private wealth
17 management banker whose name is Morten Meland?

18 A I don't remember Morten, sir. But I do believe that the
19 reference here is to our Zurich office and our private wealth
20 team there.

21 Q Okay. And then Low says: "Both now no longer at GS. So
22 you should say they all simply submitted crap," right?

23 A That's right.

24 Q Okay. And you say: "Yes, they definitely did. But I
25 will get there," right?

LEISSNER - CROSS - AGNIFILO

1479

1 A That's right.

2 Q Okay.

3 And what you're responding to is you know that Roger
4 told people in Goldman at the time that he was cynical of
5 Low's representations, correct?

6 A No, that's not correct, sir. Absolutely not.

7 Q So when Low was saying: "Now that Roger's out of the
8 bank, you can try again, and you can just say they submitted
9 crap."

10 You don't say, what do you mean they submitted crap?
11 You seem to know exactly what he's saying, right?

12 A No, sir, it -- as bankers, we don't submit anything on
13 behalf of our client as part of our KYC program.

14 All I'm doing here is trying to pacify Jho, but the
15 fact pattern is that, you know, we as bankers don't submit
16 anything. The client has to submit it themselves.

17 So this whole conversation is a little pointless and
18 roundabout. All I'm trying to do is either pacify Jho and
19 say, Look, I will try my best to get you in, but this whole
20 conversation is backwards. Bankers do not provide the
21 information for the KYC process.

22 Q You knew Roger said truthful things that tanked the
23 effort to make Jho a private wealth client, which is why you
24 say this?

25 A Absolutely not, sir.

LEISSNER - CROSS - AGNIFILO

1480

1 Q If bankers have nothing to do with it, what better way to
2 pacify Low than to say Roger had nothing to do with it. But
3 you don't say that. You agree with Low's statement that Roger
4 and Meland submitted crap?

5 A Again, sir, those two bankers could not submit anything
6 in actual fact. So there is no point to this discussion
7 because they just couldn't do so. It just is not possible.

8 Q Did you see the red flag money laundering report from
9 March of 2010? Did you see that?

10 A I don't think we have looked at that so far, sir.

11 Q You didn't see it at the time, where Roger says that is
12 critical of Low's representation?

13 MR. ROLLE: Objection.

14 THE COURT: Sustained.

15 Q Did you --

16 THE COURT: We're going to end today. It's 3 --
17 it's now 3:35, counsel.

18 MR. AGNIFILO: That's fine.

19 THE COURT: Ladies and gentlemen of the jury, I'll
20 see you tomorrow at 9:30.

21 Please remember, do not discuss the case. Do not
22 allow anyone to discuss it with you.

23 Have a great evening.

24 (Jury exits the courtroom.)

25 THE COURT: You may be seated.

PROCEEDINGS

1481

1 Counsel, do you want to be heard on your last
2 objection, the last objection?

3 What was the basis for the objection?

4 MR. ROLLE: Oh, at the end just now?

5 THE COURT: Yes, with regard to the money laundering
6 report.

7 MR. ROLLE: Two points.

8 One, the witness said he didn't know what document
9 he was talking about. And then two, if it's a document
10 recounting Mr. Ng's statement, it would be calling for reading
11 out the hearsay within a document that he also said he hadn't
12 seen.

13 So we objected both to the form, to the substance he
14 was calling for, mainly in light of the witness' prior answer.

15 THE COURT: That is sustained to form, Mr. Agnifilo.
16 Anything else we need to discuss?

17 MR. AGNIFILO: Nothing, Your Honor.

18 THE COURT: Have a good night, everyone. I'll see
19 you at 9:30.

20 MR. ROLLE: Thank you, Judge.

21 (Court reporter interrupts for clarification.)

22 THE COURT: We have already conferred with the
23 government and she now has...

24 MS. GERAGOS: A passport and a flight, and our
25 understanding is now they are in the process of obtaining, so

PROCEEDINGS

1482

1 we just wanted to put that on the record.

2 THE COURT: That's fantastic. And you already have
3 the safe passage letter from the government.

4 MS. GERAGOS: Correct.

5 THE COURT: Great. That's really good news.

6 All right. I'll see the parties in the morning.

7 Have a good night.

8

9 * * * * *

10 (Proceedings adjourned at 3:40 p.m. to resume on
11 March 2, 2022 at 9:30 a.m.)

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